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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वासि विभाग)

नई दिल्ली, 18 दिसम्बर, 1989

क्र. आ. 398--विस्थापित व्यक्ति (प्रतिकार तथा पुनर्वासि) अधिनियम, 1954 (1954 का 44) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार-एनडिआ मध्य प्रदेश सरकार, पुनर्वासि विभाग, भोपाल में संयुक्त सचिव तथा उप सचिव को जैसा भी मासुका हो, को उनके अपने कार्यों के अतिरिक्त उक्त अधिनियम के द्वारा अथवा उनके अधीन मध्य प्रदेश राज्य में क्षतिपूर्ति पूल के भान के तौर पर भूमि एवं भवन के संबंध में उक्त बंदोबस्त आयुक्त के रूप में तैयार किए गए कार्यों का निष्पादन करने के उद्देश्य से बंदोबस्त आयुक्त नियुक्त करती है।

2. इनके द्वारा अधिसूचना संख्या - 1(3)/विशेष सेल/81-एन एस. II(क) दिनांक 6-9-1989 का अधिक्रमण किया जाता है।

[संख्य - 1(4)/विशेष सेल/89-एन. एस. II/बंदोबस्त (क)]

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 18th December, 1989

S.O. 398.--In exercise of the powers conferred by Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Joint Secretary and Deputy Secretary, as the case may be, to the Government of Madhya Pradesh, Rehabilitation Department, Bhopal, as Settlement Commissioner for the purpose of performing, in addition to their own duties, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of the land and properties forming part of the Compensation Pool within the State of Madhya Pradesh.

2. This supersedes Notification No. 1(13)/Spl. Cell/81-SS II(F) dt. 6-8-1981.

[No. 1(14)/Spl. Cell/89-SS.II/Settlement(A)]

का. आ. 399--निष्कांत संपत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पुनर्वासि विभाग, मध्य प्रदेश सरकार में संयुक्त सचिव एवं उप सचिव, जैसा भी मामला हो, को उनके अपने कार्य के अतिरिक्त उक्त अधिनियम के द्वारा अथवा उसके अंतर्गत मध्य प्रदेश राज्य में निष्कांत संपत्तियों के संबंध में सहायक महाभिरक्षक को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से मध्य प्रदेश राज्य में निष्कांत संपत्ति का सहायक महाभिरक्षक नियुक्त करती है।

2. इस अधिसूचना द्वारा दिनांक 6-8-81 की अधिसूचना सं.-1 (13)/विशेष सेल/81- एस्. एस्.-II (ग) का अधिकमन किया जाता है।

[संख्या- 1 (4)/विशेष सेल/89-एस्. एस्.-II/वंदोवस्त(ग)]

कुलदीप राय, उप सचिव

S.O. 399.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1958), the Central Government hereby appoints the Joint Secretary and Deputy Secretary, as the case may be to the Government of Madhya Pradesh, Rehabilitation Department as Assistant Custodian General of Evacuee Property for the State of Madhya Pradesh for the purpose of discharging, in addition to their own duties, the duties imposed on such Assistant Custodian General by or under the said Act in respect of evacuee properties in the State of Madhya Pradesh.

2. This supersedes Notification No. 1(13)/Spl. Cell/81-SS.II(C) dt. 6-8-1981.

[No. 1(4)/Spl. Cell/89-SS.II/Settlement(C3)]

KULDIP RAI, Dy. Secy.

विज्ञापन

(राजस्व विभाग)

नई दिल्ली, 21 दिसम्बर, 1989

आयकर

का. आ. 400--आयकर अधिनियम 1961, (1961 का 43) की धारा 10 के खंड (13-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "विलियम कैरी स्टडी एंड रिसर्च सेंटर, कलकत्ता" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8536/फा. सं. 197/11/87-आ. कर (नि.-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 21st December, 1989

(INCOME-TAX)

S.O. 400.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "William Carey Study and Research Centre, Calcutta", for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8536/F. No. 197/126/87-ITAI]

नई दिल्ली, 1 जनवरी, 1990

(आयकर)

का. आ. 401--आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खंड (13-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, "श्री आनन्दपुर ट्रस्ट, नई दिल्ली" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1983-84 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8545/फा. सं. 197/121/89-आ. कर (नि.-1)]

दलप सिंह, विशेष कार्य अधिकारी

New Delhi, the 1st January, 1990

(INCOME-TAX)

S.O. 401.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Anandpur Trust, New Delhi" for the purpose of the said sub-clause for the assessment years 1983-84 to 1989-90.

[No. 8545/F. No. 197/121/89-ITA.I]

DALIP SINGH, Officer On Special Duty

नई दिल्ली, 29 दिसम्बर, 1989

(आयकर)

का. आ. 402--आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा (i) श्री अमृताकडेश्वरस्वामी देवास्थानम्, (ii) श्री सत्तानाथास्वामी देवास्थानम् तथा (iii) वेलूर देवास्थानम् को उक्त धारा के प्रयोजनार्थ समस्त तमिलनाडु राज्य में प्रसिद्ध सार्वजनिक पूजा स्थलों के रूप में अधिसूचित करती है।

[सं. 8542/फा. सं. 176/11/89-आयकर (नि.-1)]

आनन्द किशोर, अवर सचिव

New Delhi, the 29th December, 1989

(INCOME-TAX)

S.O. 402.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the (i) Sri Amirthakadeswaraswamy Devasthanam, (ii) Sri Sattanathaswamy Devasthanam and (iii) Sri Velur Devasthanam, to be a place of public worship of renown through out the State of Tamil Nadu for the purpose of the said section.

[No. 8542/F. No. 176/11/89-IT(AI)]

ANAND KISHORE, Under Secy

नई दिल्ली, 14 जनवरी, 1990

(आय कर)

का. आ. 403--आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के खंड (IIख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय औद्योगिक विकास बैंक, बम्बई द्वारा जारी किए गए "11.5% भारतीय औद्योगिक विकास बैंक बंधपत्र 2009 (53वीं श्रृंखला)" को एतद्वारा उक्त खंड के प्रयोजनार्थ विनिर्दिष्ट करती है।

वर्तते कि उक्त परन्तुक के अंतर्गत लाभ इस प्रकार के बन्ध पत्रों के अन्तरण के मामले में पृष्ठीकृत अथवा वितरण द्वारा उस स्थिति में अनुमत्य होगा यदि अन्तरिती इस प्रकार के अन्तरण से 60 दिन की अवधि के भीतर भारतीय औद्योगिक विकास बैंक को रजिस्टर्ड डाक द्वारा सूचित करेगा।

[सं. 8552/फा. सं. 275/130/89-आ. कर (ब)]

बी. ई. एलैक्जेंडर, अवर सचिव

New Delhi, the 14th January, 1990

(INCOME-TAX)

S.O. 403.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "11.5% IDBI Bonds 2009 (53rd Series)", issued by the Industrial Development Bank of India, Bombay, for the purposes of the said clause :

Provided that the benefit under said proviso shall be admissible in the case of transfer of such bonds, by endorsement or delivery, only if the transferee informs the Industrial Development Bank of India by registered post within a period of sixty days of such transfer.

[No. 8552/F. No. 275/130/89-11(B)]

B. E. ALEXANDER, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 17 जनवरी, 1990

का. आ. 404—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 10 की उपधारा (i) के खंड (ख) के अनुसरण में, केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के संयुक्त सचिव श्री मनीश चन्द्र सत्यवादी को श्री मन्वैश्वर झा के स्थान पर भारतीय औद्योगिक वित्त निगम के निदेशक के रूप में नामित करती है।

[सं. एक. 9/7/90 - बी. ओ. I]

एम. एस. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 17th January, 1990

S.O. 404.—In pursuance of clause (b) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948) the Central Government hereby nominates Shri M. C. Satyawadi, Joint Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi as a Director of the Industrial Finance Corporation of India vice Shri Mantreshwar Jha.

[F. No. 9/7/90-BO.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 18 जनवरी, 1990

का. आ. 405—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कर्नाटक बैंक लि., मंगलूर पर 29 दिसम्बर, 1991 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध इसके द्वारा बुडगल, धारवाड जिला, कर्नाटक में धारित 810, 811 और 812 म्यूनिसिपल संस्था वाली दुकान और टीन के गोदामों सहित दो मंत्रालय भवन की अवल संपत्ति से है।

[सं. 15/20/87 - बी. ओ. III]

प्रान नथ, अवर सचिव

New Delhi, the 18th January, 1990

S.O. 405.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of

the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Karnataka Bank Ltd., Mangalore, for a period upto the 29th December 1991, in respect of the immovable property of a two storied house including shop and tin godown bearing Municipal Nos. 810, 811 and 812 held by it at Kundgol, Dharwar District, Karnataka.

[No. 15/20/87-B.O.III]

PRAN NATH, Under Secy.

[(कार्यालय मुख्य अवर सचिव (प्रशासन))]

कलकत्ता, 7 दिसम्बर, 1989

(सं. 14/89-90)

का. आ. 406—आयकर अधिनियम 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और भारत सरकार के केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अर्थिक कार्य विभाग (बैंकिंग प्रभाग) का. सं. 187/4/89 - आईटी ए-1 दिनांक 8-9-1989 और इसकी ओर से मुझे अग्रे जतिवर्ग प्रदान करने के लिए प्रेषित किया गया प्रयोग करते हुए मैं, मुख्य आयकर आयुक्त (प्रशासन), कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर आयुक्त (अपील), रेंज-9 कलकत्ता जो आयकर आयुक्त पश्चिम बंगाल-7, कलकत्ता के प्रशासनिक नियंत्रण के अन्तर्गत है, अधिसूचना सं. 9/89-90 का. सं. आ. अ./मुद्रा/तक/89/88-89 दिनांक 8-8-89 द्वारा अपने क्षेत्राधिकार के अतिरिक्त आयकर अधिनियम 1961 की धारा 216 की उपधारा (1) के खंड (ए) से (आई) तक, धनकर अधिनियम 1957 की धारा 23 की उपधारा (1) के खंड (ए) से (एच) तक और धनकर अधिनियम 1958 की धारा 12 की उपधारा (1) के खंड (ए) से (जी) तक पारित आदेशों के अन्तर्गत आयकर अधिकारी द्वारा आयकर या धनकर या धनकर से आय अर्जित निवेशियों के संबंध में अपना कार्य करेंगे।

यह आदेश दिनांक 1-11-1989 से लागू होगा।

[सं. आ. अ./मुद्रा/संवर्ग/33/83-89]

[Office of the Chief Commissioner of Income tax (Administration)]

Calcutta, the 7th December, 1989

No. 14/89-90

S.O. 406.—In exercise of the powers conferred by sub-section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of powers conferred by the Central Board of Direct Taxes, New Delhi vide its notification No. 708(E) in F. No. 187/4/89-ITA, I dated 8th September, 1989 and all other powers enabling me in this behalf I, the Chief Commissioner of Income-tax (Administration), Calcutta, hereby direct that the Deputy Commissioner of Income-tax (Appeals), Range-IX, Calcutta, under the administrative control of the Commissioner of Income-tax, West Bengal-VII, Calcutta, shall in addition to the jurisdiction vested on him vide Notification No. 9/89-90 in F. No. ITO/H/TECH/80/88-89 dated 8-8-89 also performing his functions in respect of such persons assessed to Income-tax or Wealth-tax or Gift-tax by the assessing officers under the administrative control of the Director of Income-tax (IT Exemption), Calcutta, as are aggrieved by any orders passed in pursuance of clauses (a) to (1) of sub-section (1) of Section 245 of the Income-tax Act, 1961, clauses (a) to (ha) of sub-section (1) of Section 23 of the Wealth-tax Act, 1957 and clauses (a) to (g) of sub-section (1) of Section 22 of the Gift-tax Act, 1958.

2. This order shall take effect from 1-11-89.

[No. ITO/HQ/Co-ord/80/88-89]

[संख्या-15/89-90]

का.आ. 407.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं मुख्य आयकर आयुक्त (प्रशासन), कलकत्ता एतद्वारा निदेश देता हूँ कि कर वसूली अधिकारी-31, कलकत्ता व 24-परगणा, कलकत्ता जो कि क्रमशः आयकर आयुक्त, प. व.-7, कलकत्ता और आयकर उपायुक्त रेंज-20, कलकत्ता के प्रशासनिक नियंत्रणाधीन हैं, अधिसूचना संख्या 4/89-90 (एफ. संख्या आ. अ./मु.आ./तक./366/88-89) तारीख 19-5-89 द्वारा प्रदत्त अधिकारिता के अधिनियमित उन निर्धारितियों को वास्तविक अप्रती अधिकारिता का भी प्रयोग करेंगे जो महानिदेशक (आयकर छूट) कलकत्ता के प्रशासनिक नियंत्रणाधीन निर्धारण अधिकारी के क्षेत्राधिकार में हैं अथवा होंगे।

2. यह आदेश 1-11-89 से लागू होगा।

[संख्या-आ. अ./मु.आ./समन्वय./366/89-90]

ए. के. घोष, मुख्य आयकर आयुक्त (प्रशासन)

No. 15/89-90

S.O. 407.—In exercise of the powers conferred under sub-sections (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961), I, the Chief Commissioner of Income-tax (Administration), Calcutta, hereby direct that the Tax Recovery Officer-XXXI, Calcutta and 24-Parganas, Calcutta, under the administrative control of the Commissioner of Income-tax, W.B.-VII, Calcutta, and of the Deputy Commissioner of Income-tax Range-20, Calcutta, respectively, shall, in addition to the jurisdiction vested on him by virtue of Notification No. 4/89-90 in F. No. ITO/HQ/TECH/366/89-90 dated 19-5-89 also exercise jurisdiction in respect of the assesses who are or would come under the jurisdiction of the assessing officers under the administrative control of the Director of Income-tax (11 Exemption), Calcutta.

2. This order shall take effect from 1-11-89.

[No. ITO/HQ/CO-ORD/336/89-90]

A. K. GHOSH, Chief Commissioner of Income-tax (Admin).

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 17 फरवरी, 1990

का. आ. 408.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि वास्तविक आयात को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन किया जाए।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षाानुसार उन्हें निर्यात निरीक्षण परिपक्व को नेंज दिया है।

अतः अब, केन्द्रीय सरकार, उक्त उप नियम के अन्तर्गत में तथा वास्तविक आयात से संबंधित का. आ. 824(अ), तारीख 30-9-1980 और का. आ. 3918, तारीख 15-10-1983 द्वारा तथा संशोधित भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना में का. आ. 1025 और

1016 तारीख 19-4-1980 को अधिकांश करते हुए उक्त प्रस्तावों को ऐसे लोगों की जानकारी के लिए प्रकाशित करती है, जिनके उक्त प्रकाशित होने की संभावना है।

1. सूचना दी जाती है कि निम्नलिखित के उक्त प्रस्तावों के बारे में कोई आपत्ति या सुझाव भेजना चाहता है, इस आदेश के अंतर्गत में प्रकाशन की तारीख से पंद्रह दिनों के भीतर उन्हें निर्यात निरीक्षण परिपक्व प्रगति टावर, 11वीं मंजिल, 26, राजेन्द्र भवन, नई दिल्ली 110008 को भेज सकता है।

प्रस्ताव

(1) यह अधिसूचित करता कि वास्तविक आयात निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होगा।

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश में मूल्य उपबंध में वर्णित प्रकाशित वास्तविक आयात निर्यात (निर्यात) नियम, 1989 के प्रावधान के अनुसार क्वालिटी नियंत्रण और निरीक्षण को इस रूप में विनिर्दिष्ट करना जो उनके निर्यात से पूर्व ऐसे वास्तविक आयात पर लागू होगा।

(3) (क) आयातकर्ता देशों के राष्ट्रीय मानक और अंतरराष्ट्रीय मानकों ;

(ख) निर्यातकर्ता और विदेशी क्रेता के बीच कारगर किए गए संविदात्मक विनिर्देशों को, परन्तु यह तब जब कि ऐसे विनिर्देश इस आदेश के संलग्न अनुसूची 1 से 4 तक में विनिर्दिष्ट न्यूनतम विनिर्देशों से स्थिर न हों ;

(ग) वास्तविक आयात (निर्यात) श्रेणीकरण और चिह्नोक्त नियम 1990 के अंतर्गत बनाए गए श्रेणी परभावों को ; परन्तु यह तब जब कि विनिर्देश खंड (ख) के अन्तर्गत हों।

(घ) सहाय्यक विनिर्देशों के न होने पर इस आदेश की अनुसूची में दिए गए न्यूनतम विनिर्देशों को।

मात्रता देना—

परन्तु यह सब अब विनियम (क), (ख), (ग) और (घ) के अधीन विनिर्देश आयात करने वाले देशों में प्रयुक्त तत्त्व विधियों के अधीन को भी लागू होगा।

(4) वास्तविक आयात के अंतरराष्ट्रीय व्यापार के अन्तर्गत में, निर्यात को तब तक प्रतिषिद्ध करना जब तक कि केन्द्रीय सरकार द्वारा संयोजित प्राप्त ऐसा चिह्न या सूचक जो वह उपस्थित करता हो कि वह इस पर लागू मानक विनिर्देशों के अन्तर्गत है, वास्तविक आयात के पैकेजों या छायाओं पर लगाया या छापकाया गया हो और इसके साथ भारत सरकार के कृपि विपणन सुनारहकार द्वारा निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित किसी भी अधिव्यवस्था द्वारा जारी किया गया उक्त आदेश का अधिनियम प्रमाण पत्र न लगा हो कि ऐसा वास्तविक आयात मानक विनिर्देशों के अन्तर्गत है और निर्यात योग्य है।

3. इस आदेश को कोई भी वास्तविक आयात के अधीन, मू. और वायु मार्ग द्वारा वास्तविक आयात के ऐसे नमूनों के निर्यात को लागू नहीं होगी, जिनका मूल्य 50.00 रु. से अधिक नहीं हो।

4. इस आदेश में "वास्तविक आयात (ऑरिजिन ऐस्टेब्लिश)" से भारत में उत्पादित वास्तविक आयात मिल का आयात, सेवा आयात और भूसा साफ किया और बिना पालिश किया (भूसा) वास्तविक आयात अभिप्रेत है।

अनुसूची-1

कर्म वासमती चावल (निर्यात के लिए) की क्वालिटी का श्रेणी अभिधान और परिभाषा।

श्रेणी	अनुमेय अधिकतम सीमा (भार के आधार पर प्रतिशत)।					
अभिधान	**बाह्य पदार्थ	टूटे और कण	लाल दानों सहित अन्य चावल**	नुकसान, बदरंग और खड़िया रंग के दाने	नमी	सामान्य विशेषताएँ
1	2	3	4	5	6	7
विशेष	0.5	5.0	10.0	1.0	14.0	(1) दाने सफेद या सफेदी या ग्रीसी सफेद
क	1.0	10.0	15.0	2.0	14.0	रंग के, जार पारदर्शी लम्बे पतले दाने होंगे।
ख	2.0	10.0	20.0	3.0	14.0	(2) चावल
(क) आंखों की मटीया के सूखे पुस्ट दाने होंगे और इसके समरूप आकार, आकृति और रंग होंगे;						
(ख) इन चावलों के लक्षण वासमती चावल के सहज ही पहचानी जाने वाली डिग्री तक अनपके और पके दोनों अवस्थाओं में, प्राकृतिक सुगंध जैसे होंगे;						
(ग) इन पर कृत्रिम रंग नहीं किया जाएगा और पालिश करने वाले पदार्थों से मुक्त होंगे;						
(घ) काफी मात्रा में भूसी सहित उनसे 3 प्रतिशत तक दाने होंगे;						
(ङ.) फफूँदी दार घिनौनी गंध से मुक्त होंगे और इन पर कोई फफूँदी या जाले नहीं होंगे, और मृत या जीवित घुन का कोई भी लक्षण नहीं होगा;						
(च) इसकी लम्बाई 6.0 मि.मी. और उससे अधिक होगी और लम्बाई चौड़ाई का अनुपात तीन और उससे ऊपर का होगा;						
(छ) ये अच्छी व्यापारिक दशा में होंगे।						

*लाल दाने 2% से अधिक नहीं होंगे।

**यू एस ए में भिन्न।

परिभाषा:—

- (1) विजातीय पदार्थ: इसके अन्तर्गत धूल पत्थर, मिट्टी के डेले, भूसी, तिनके और अन्य कोई गंदगी आएगी।
- (2) टुकड़े और अंश: इसके अन्तर्गत चावल के दानों के ऐसे टुकड़े होंगे जो पूरे चावल का 3/4 से न्यून होंगे। ऐसे टुकड़े जो पूरे चावल का 1/4 से छोटे हैं उन्हें अंश समझा जाएगा।
- (3) लाल दानों सहित अन्य चावल: इसमें मिले जुले और/या चावल की घटिया किस्म होगी। लाल दाने साबुत या टूटे हुए होंगे जिनके 25 प्रतिशत भाग में या अधिक में लाल भूसी से कोटिंग की होगी।
- (4) नुकसान, बदरंग और खड़िया जैसे दाने: इसके अन्तर्गत चावल के दाने—भग्न टुकड़े अंश या साबुत होंगे जो भीतर से नुकसान ग्रस्त या तात्त्विक रूप से क्वालिटी को प्रभावित करने वाले होंगे। खड़िया दानों, ऐसे दाने होंगे जिनका कम से कम आधा भाग हड़िया सफेद रंग का और स्वभाव में मुरमुरा होगा।

अनुसूची—2

बासमती मिला चावल की क्वालिटी का श्रेणी अभिधान और परिभाषा (केवल निर्यात के लिए)

श्रेणी अभिधान	अनुज्ञेय अधिकतम सीमा (भार के आधार पर प्रतिशत में)					
	विजातीय पदार्थ**	टूटे तथा अंश	लाल दानों सहित अन्य चावल*	नुकसान बदरंग और खड़िया रंग के दाने	नमी	सामान्य लक्षण
1	2	3	4	5	6	7
विशेष	0.5	5.0	10.0	1.0	14.0	(1) दाने लम्बे, पतले, भूरे या भूरे-सफेद गहरे
क	1.0	10.0	15.0	2.0	14.0	पारदर्शी होंगे।
ख	2.0	10.0	20.0	3.0	14.0	(2) चावल

(क) ओरिजा सटीवा के सूखे पुष्ट दाने होंगे और इसके समरूप आकार, आकृति और रंग होंगे।

(ख) इन चावलों के लक्षण : बासमती चावल के सहज ही पहचानी जाने वाली डिग्री तक अन्नपके और पके दानों अवस्थाओं में प्राकृतिक सुगंध जैसे होंगे;

(ग) इन पर कृत्रिम रंग नहीं किया जाएगा और पालिश करने वाले पदार्थों से मुक्त होंगे;

(घ) काफी मात्रा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे;

(ङ) फफूँदीदार घिनौनी गंध से मुक्त होंगे और इस पर कोई फफूँदी या जाले नहीं होंगे और मृत या जीवित घुन का कोई लक्षण नहीं होगा।

(च) इसकी लम्बाई 6.0 मि.मी. और उससे अधिक होगी और लम्बाई भार चौड़ाई का अनुपात 3 और उससे ऊपर का होगा;

(छ) ये अच्छी व्यापारिक दशा में होंगे।

*लाल दाने 2% से अधिक नहीं होंगे।

**यू एस ए में भिन्न।

परिभाषाएं :

- (1) विजातीय पदार्थ : इसके अन्तर्गत धूल, पत्थर, मिट्टी के ढेले, भूसी, तिनके और अन्य कोई गंदगी आएगी।
- (2) टुकड़े और अंश : इसके अन्तर्गत चावल के दानों के ऐसे टुकड़े होंगे जो पूरे चावल का 3/4 से न्यून होंगे। ऐसे टुकड़े जो पूरे चावल का 1/4 से छोटे हैं उन्हें अंश समझा जाएगा।
- (3) लाल दानों सहित अन्य चावल : इसमें मिले जुले और/या चावल की घड़िया किसिम होंगी। लाल दाने साबुत या टूटे हुए होंगे जिनके 25 प्रतिशत भाग में या अधिक में लाल भूसी से कोटिंग की होगी।
- (4) नुकसान बदरंग और खड़िया जैसे दाने : इसके अन्तर्गत चावल के दाने—भग्न टुकड़े अंश या साबुत होंगे जो भीतर से नुकसान ग्रस्त या तात्त्विक रूप से क्वालिटी को प्रभावित करने वाले होंगे। खड़िया दाने जैसे दाने होंगे जिनका कम से कम आध्मा भाग दुधिया सफेद रंग का और स्वभाव से मुरमुरा होगा।

अनुसूची-3

बिना पालिश किया/भूरी रहित/पूरे धासमती चावल (केवल निर्यात के लिए) की क्वालिटी का श्रेणी अभिधान और परीक्षा के लिए विनिर्देश

श्रेणी	अनुश्रेय अधिकतम सीमा (भारत के आधार पर प्रतिशत में)							सामान्य लक्षण
अभियान	विजातीय पदार्थ	टुकड़े तथा अंश	अन्य चावल के दाने	हरे दाने	लाल दाने	टूटें बदरंग तथा खड्डियां दाने	तमी	
1	2	3	4	5	6	7	8	9
विशेष	0.5	5.0	10.0	2.0	2.0	2.0	14.0	(1) दाने लम्बे पतले हल्के भूरे रंग के होंगे
क	1.0	10.0	20.0	1.0	3.0	3.0	14.0	और काचसम चमक दाने होंगे।
ख	1.5	10.0	30.0	6.0	4.0	5.0	14.0	देखने में चमकदार होंगे।
								(2) चावल

(क) आरिजा सटीवा के पके सुखे दाने होंगे जिन पर से छिलके उतार दिए हों और दोबारा हले नहीं गए हों और वे समरूप एक जैसे आकार और रंग के होंगे।

(ख) धासमती चावल अनपकी और पकी दोनों अवस्थाओं में अपने लक्षण के अनुसार स्वभाविक पास पहचान के दर्जे तक बनाए रखेगा।

(ग) हल्के कृत्रिम रूप से रंग नहीं किया जाएगा और पालिश किए जाने वाले पदार्थों से मुक्त होंगे।

(घ) पुरानी या विनीना गंध से मुक्त होंगे और फफूँसी के या जाले या मृत या जीवित घुन का कोई लक्षण नहीं होगा।

(ङ.) 6.0 मि.मी. की लम्बाई और लम्बाई चौड़ाई अनुपात 3.0 और ऊपर का होगा।

(च) अच्छी व्यापारिक दशा में होगा।

परिभाषाएं:—

(1) विजातीय पदार्थ: इसके अन्तर्गत धूल, पत्थर, मिट्टी के ढेले, भूसी, तिनके और अन्य कोई गंदगी आएगी।

(2) टुकड़े और अंश: इसके अन्तर्गत चावल के दानों के ऐसे टुकड़े होंगे जो पूरे चावल का 3/4 से न्यून होंगे। ऐसे टुकड़े जो पूरे चावल का 1/4 से छोटे हैं उन्हें अंश समझा जाएगा।

(3) अन्य चावलों में मिले जुले या चावल की घटिया किस्म सम्मिलित होगी।

(4) हरे दाने साबुत या टूटे हुए दाने होंगे और जो रंग में हरे होंगे।

(5) लाल दाने साबुत या टूटे हुए दाने होंगे जिनकी सतह पर लाल भूसी की कोटिंग होगी।

(6) नुकसान ग्रस्त बदरंग और घटिया रंग के दोनों के अन्तर्गत चावल के दाने, टुकड़े अंश या साबुत होंगे जो भौतिक रूप से क्वालिटी को प्रभावित कर हुए अन्वर से छूटे हुए या बदरंग होंगे। खड्डिया दाने ऐसे होंगे। जिनके कम से कम आधे रंग से दूधिया सफेद और स्वभाव से भुरभुरे होंगे।

अनुसूची-4

य एस ए को निर्धारित के लिए मेला/दला हुआ/भूमी रहित/बिना पालिश का (भूरे) बासमती चावल के संबंध में प्रतिस्पर्धा विनिर्देश।

विजातीय पदार्थ (भार के आधार पर %)		पशु गन्दगी (अधिकतम/100 ग्राम)		नशीले पदार्थ	कीड़ों के अंश में किटों की गन्दगी
धातु अंश	कांच के पत्थर	पत्थर (अधिकतम)	पक्षियों की बीट	कुत्तक गोशियां	रासायनिक रूप से तैयार धीज (अधिकतम 1000 ग्राम)
कुछ नहीं	कुछ नहीं	कुछ नहीं	कुछ नहीं	कुछ नहीं	3

उपबंध

अधिवृत्ता सं. १ का आ. 1026 तारीख 19 अप्रैल, 1980 को उन बातों के सिवाय अधिकतम करते हुए, जिन्हें ऐसे अधिनियम से पहले किया गया है या करने का लोप किया गया है, निर्धारित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रतिस्थापित प्राप्त नियम।

1. संक्षिप्त नाम और प्रारम्भ: (1) इन नियमों का संक्षिप्त नाम बासमती चावल निर्धारित (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1989 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं: इन नियमों में जहाँ तक कि संदर्भ से, अन्यथा अपेक्षित नहीं:

(क) "अधिनियम" से निर्धारित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अभिप्रेत है;

(ख) "अधिकरण" से निरीक्षण के लिए अधिनियम की धारा 7 के अर्थात् बम्बई, कलकत्ता, कोचिन, दिल्ली और मद्रास स्थित केन्द्रीय सरकार द्वारा स्थापित निर्धारित निरीक्षण अधिकरणों में से कोई अधिकरण या भारत सरकार का कृषि विभाग सलाहकार या उसकी ओर से निरीक्षण के लिए प्राधिकृत कोई अन्य अधिकारी अभिप्रेत है;

(ग) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्धारित निरीक्षण परिषद् अभिप्रेत है;

(घ) "बासमती चावल" (उत्पाद सटीक) से भारत में उत्पादित बासमती कच्चा दला हुआ चावल, सेला चावल और भूसा हटाया हुआ और बिना पालिश किया (भूरे) चावल अभिप्रेत है।

3. निरीक्षक का आधार: बासमती चावल का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि वह अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, जो या तो (क) यह सुनिश्चित करने किया जाएगा कि उत्पाद का प्रसंस्करण परिषद् द्वारा यथा निर्धारित आवश्यक अंश प्रक्रिया-क्वालिटी नियंत्रण का प्रयोग करते हुए किया गया है;

(ख) परिषद् द्वारा विहित रीति से किए गए निरीक्षण तथा परीक्षण के आधार पर किया गया है।

4. निरीक्षण की प्रक्रिया:-- (1) ऐसा कोई नियमितकर्ता जो बासमती चावल के परेषण का निर्धारित करता चाहता है, वह नियमितकर्ता अधिकरण को लिखित सूचना देगा जिसमें निर्धारित परिषद् या आदेश की प्रति के साथ सांविधिक विनिर्देशों के व्योम प्रस्तुत किए जाएंगे ताकि अधिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) परिषद् द्वारा और ऐसे प्रसंस्करण यूनिट द्वारा जिसे हम प्रयोजन के लिए परिषद् द्वारा गठित विशेषज्ञों के पैनल से पर्याप्त अंश प्रक्रिया क्वालिटी नियंत्रण जिलों से सम्बन्ध अधिनिर्णीत किया है, विहित किए गए पद्धत; अन्य; प्रक्रिया क्वालिटी नियंत्रण का प्रयोग करते हुए प्रसंस्कृत किए गए बासमती चावल के निर्धारित के लिए निर्धारित उप नियम (1) बाणित सूचना के साथ साथ यह घोषणा प्रस्तुत करेगा कि निर्धारित के लिए आगंतिक बासमती चावल का परेषण परिषद् द्वारा यथा विहित रूप से पर्याप्त क्वालिटी का प्रयोग करने हुए प्रसंस्कृत किए गए और वह (परेषण) हम प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है।

(3) उप नियम (1) के अधीन प्रत्येक सूचना जहाँ अधिकरण का कार्यालय स्थित है उसी स्थान पर स्थित परिसर में किए जाने वाले निरीक्षण से दो दिन से अग्रतः पहले या जाएंगे और ऐसे परिसरों पर जो अधिकरण के कार्यालय के स्थान पर स्थित नहीं हैं, वहाँ निरीक्षण किए जाने के 10 दिन से अग्रतः पहले या जाएंगे।

(4) उप नियम (1) के अर्थात् सूचना और उप नियम (2) के अर्थात् घोषणा यदि कोई हो, पर अधिकरण--

(क) अपना समाधान कर लेने पर कि प्रसंस्करणकर्ता ने, यह सुनिश्चित करने के लिए उत्पाद हम प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, इस संबंध में परिषद् द्वारा विहित परिषद् क्वालिटी नियंत्रण का प्रयोग किया है, बासमती चावल के परेषण को निर्धारित योग्य घोषित करने हुए 2 दिन के भीतर प्रमाणपत्र जारी करेगा।

(ख) ऐसी दशा में, जहाँ प्रसंस्करणकर्ता नियमितकर्ता नहीं है परेषण का भौतिक रूप से स्थापित किया जाएगा और ऐसा स्थापित और/या निरीक्षण यदि कोई आवश्यक हो, अधिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त बातों का अनुपालन किया गया है।

5. (क) अभिकरण, फिर भी, निर्यात के लिए आशयित किन्हीं परेषणों की स्थल पर जांच करेगा और यूनिट द्वारा अपनाए गए प्रसंस्करण प्रंत : प्रक्रिया क्वालिटी नियंत्रण डिज़ॉनों की पर्याप्तता की जांच करने के लिए नियमित अंतरालों पर प्रसंस्करण एककों में जाएगा। यदि यह पाया जाता है कि प्रसंस्करण यूनिट ने प्रसंस्करण के किसी भी स्तर पर अपेक्षित क्वालिटी नियंत्रण उपायों को नहीं अपनाया है या परिषद् अभिकरण की सिफारिशों का अनुपालन नहीं किया है तो यह घोषित किया जाएगा कि यूनिट के पास संस्करण गत पर्याप्त क्वालिटी नियंत्रण डिज़ॉन नहीं है ऐसे मामलों में यदि यूनिट ऐसा चाहता है तो वह अन्तः प्रक्रिया क्वालिटी नियंत्रण डिज़ॉनों की पर्याप्त व्यवस्था को बनाए रखने के लिए नए सिरे से आवेदन करेगा।

(ख) ऐसे मामलों में, जहाँ निर्यातकर्ता ने उप नियम (2) के अधीन यह घोषित नहीं किया है कि परिषद् द्वारा अधिकृत पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है, अभिकरण अपना यह समाधान कर लेने पर कि बासमती चावल का परेषण परिषद् द्वारा अधिकृत के अनुसार किए गए निरीक्षण तथा परीक्षणों के आधार पर इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, तो वह यथा स्थिति 2 या 10 दिनों के भीतर, बासमती चावल के परेषण को निर्यात योग्य घोषित करते हुए प्रमाणपत्र जारी कर देगा।

परन्तु जहाँ अभिकरण का ऐसा समाधान नहीं होता है वहाँ वह निर्यातकर्ता को प्रमाणपत्र देने से इंकार कर देगा और यह घोषणा करेगा कि बासमती चावल परेषण निर्यात योग्य नहीं है, और यथा स्थिति 2 या 10 दिन के भीतर इंकार किए जाने के कारणों सहित निर्यातकर्ता को इंकार की सूचना देगा।

6. प्रमाणिकरण के अभिकरण को भण्डारण के किसी भी स्थान पर वास्तविक लदान से पहले परेषण की क्वालिटी का पुनः मूल्यांकन परिलक्षित में पतन पर करने का भी अधिकार होगा।

7. यदि, परेषण को इनमें से किसी भी स्तर पर मानक विनिर्देशों के अनुरूप नहीं पाया जाता है तो मूल रूप से दिया गया निरीक्षण प्रमाणपत्र वापिस ले लिया जाएगा।

5. पैकिंग करना और चिह्निकरण :— परेषण को नियमानुसार तैयार करने के पश्चात् निर्यातकर्ता निर्यात के लिए बासमती चावल को पैक करना चाहता है तो स्टैंडर्ड नए गनी बैलों/ब्रॉकर की और पोलिथीन सहित केन्स बैलों / अधिक सतह वाले पोलिलेविनेटिड कार्टोन्स के डिब्बों से या केता की विशिष्ट अपेक्षाओं के अनुरूप पैक करेगा।

बैलों / पैकेजों पर निम्नलिखित सूचना स्टैमिल अंकित मुद्रित रहूँगी :

1. निर्यातकर्ता का नाम और पता ;
2. विशिष्ट किस्में ;
3. श्रेणी ;
4. लोट संख्या ;
5. कुल भार तथा शुद्ध भार ;
6. भारत का उत्पादन ;
7. निर्माण चिह्न ;

6. निरीक्षण का स्थल :— इन नियमों के प्रयोजन के लिए निरीक्षण निर्यातकर्ता के उस परिसर पर किया जाएगा जहाँ मान निरीक्षण के लिए प्रस्तुत किया जाता है परन्तु यह तब जब कि वहाँ निरीक्षण के लिए पर्याप्त सुविधाएँ विद्यमान हों।

7. निरीक्षण फीस :— निरीक्षण के प्रयोजन के लिए निर्धारित दरों पर फीस अभिकरण को कमशः परेषणानुसार निरीक्षण और अन्तः प्रक्रिया क्वालिटी नियंत्रण के लिए निरीक्षण फीस के रूप में दी जाएगी।

8. अपील :—

(क) ऐसा कोई निर्यातकर्ता जो अभिकरण द्वारा निरीक्षण प्रमाणपत्र जारी करने से इंकार करने से व्यथित है ऐसे इंकार की सूचना प्राप्त होने के दस दिनों के भीतर इस प्रयोजन के लिए गठित विशेषज्ञों के पैनल को अपील कर सकेगा।

(ख) पैनल की गणपूर्ति तीन से होगी,

(ग) अपील प्राप्त होने के पन्ध्र दिनों के भीतर निपटा दी जाएगी।

(घ) ऐसे अपीलों में पैनल का त्रिनिश्चय अंतिम माना जाएगा।

[फाइनल सं. 6(13/87-ई. आई एण्ड ई पी)]

पाठ टिप्पण :—

क.आ. 1025 तथा 1026 तारीख 19-4-1980

क.आ. 824 (अ) तारीख 30-9-1980

क.आ. 3916 तारीख 15-10-1983।

MINISTRY OF COMMERCE

ORDER

New Delhi, the 17th February, 1990

S.O. 408.—Whereas in exercise of the powers conferred by Section 6 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), the Central Government is of the opinion that it is necessary and expedient so to do for the development of the Export Trade of India that Basmati Rice should be subject to quality control and inspection prior to export ;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964.

Now, therefore, in pursuance of the said sub-rule the Central Government, in supersession of the notification of the Government of India in the Ministry of Commerce S.O. No. 1025 and 1026 dated 19th April, 1980 as amended by S.O. 824(E) dated 30th September, 1980 and S.O. 3916 dated 15th October, 1983 relating to Basmati Rice, hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days from the date of publication of this order in the Official Gazette to the Export Inspection Council, Pragati Tower, 11th Floor, 26, Rajendra Place, New Delhi-110008.

PROPOSALS

(1) To notify that Basmati Rice shall be subject to quality control and inspection prior to export,

(2) To specify the type of quality control and inspection in accordance with the draft of the proposed Export of Basmati Rice (Inspection) Rules, 1990 as set out in the Annexure appended to this Order, as the type of quality control and inspection which shall be applied to such Basmati Rice prior to their export ;

(3) To recognise—

(a) The national standards of importing countries and international standards ;

(b) The contractual specifications agreed to between the foreign buyer and the exporter provided that specifications are not below the minimum specifications stipulated in the Schedules 1 to 4 appended to this Order,

(c) The grade designation, formulated under Basmati Rice (Export) Grading and Marking Rules, 1980;

Provided that such specifications are in conformity with clause (b);

(d) In the absence of contractual specifications the minimum specifications set out in the Schedule to the Order ;

Provided that the specifications under clause (a), (b), (c) and (d) shall also conform to the Food Laws if any, in force in the importing country.

(4) To prohibit the export, in the course of international trade of Basmati Rice unless a mark or seal recognised by the Central Government indicating that it conforms to the standard specifications applicable to it has been affixed or applied to packages or containers of such Basmati Rice and is accompanied by a certificate of Grade/Inspection issued by the Agricultural Marketing Adviser to the Government of India or by any of the agencies established under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that such Basmati Rice conforms to the standard specifications and is exportworthy.

3. Nothing in this Order shall apply to export by sea, land or air of samples of Basmati Rice not exceeding in value of rupees fifty to prospective buyers.

4. In this Order, "Basmati Rice (*Oryza Sativa*)" shall mean Basmati Raw Milled Rice, Parboiled Rice and Defhusked and Unpolished (Brown) Basmati Rice produced in India.

SCHEDULE—I

Grade designation and definition of quality of Basmati Rice Raw milled (for export)

Grade Designation	Maximum permissible limit (In percent by weight)					General Characteristics
	**Foreign matter	Broken & fragments	Other rice including red grains*	Damaged, discoloured and chalky grains	Molsture	
1	2	3	4	5	6	7
Special	0.5	5.0	10.0	1.0	14.0	(1) The grains shall be long
A	1.0	10.0	15.0	2.0	14.0	slender of white or greyish
B	2.0	10.0	20.0	3.0	14.0	or creamy white colour and translucent.
						(2) The rice :
						(a) shall be dried matured kernels of <i>Oryza Sativa</i> ; and have uniform size, shape and colour;
						(b) shall possess in a marked degree the natural fragrance characteristic of Basmati Rice both in the raw and cooked state;
						(c) shall not have been artificially coloured and shall be free from polishing agents;
						(d) may contain upto 3 percent of grains with an appreciable amount of bran thereon;
						(e) shall be free from musty obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils;
						(f) shall have length 6.0 mm and above and length breadth ratio 3 and above;
						(g) shall be in sound merchantable condition.

* Red grains shall not exceed 2%

** Other than USA

Definitions

- (i) Foreign Matter : shall include dust, stones, lumps or earth, chaff, stems or straw and any other impurity.
- (ii) Broken and fragments : shall include pieces of rice kernels which are less than three-fourth of a whole kernel. The pieces of kernels, smaller than one-fourth of the whole kernels shall be treated as fragments.
- (iii) Other rice including red grains : shall consist of contrasing and/or inferior varieties of rice. Red grains shall be the kernels, whole or broken which have 25 percent or more of their surface coated with red bran.
- (iv) Damaged, discoloured and chalky grains : shall include rice kernels -broken, fragments of whole that are internally damaged or discoloured materially affecting the quality. Chalky grains shall be the grains atleast half of which is milky white in colour and brittle in nature.

SCHEDULE-2*Grade designation and definition of quality of Basmati Parboiled rice (for export only)*

Grade Designation	Maximum permissible limit (in percent by weight)					General Characteristics
	**Foreign matter	Broken & fragments	Other rice including red grains*	Damaged discoloured and chalky grains	Moisture	
1	2	3	4	5	6	7
Special	0.5	5.0	10.0	1.0	14.0	(1) The grains shall be long, slender of creamy white brownish or greyish colour and translucent.
A	1.0	10.0	15.0	2.0	14.0	
B	2.0	10.0	20.0	2.0	14.0	

(x) The rice :—

- (a) shall be the dried matured kernels of *Oryza Sativa* and have uniform size shape and colour;
- (b) shall possess in a marked degree the natural fragrance characteristic of Basmati rice both in the raw and cooked state;
- (c) shall not have been artificially coloured and shall be free from polishing agents;
- (d) may contain upto 3 per cent of grains with appreciable amount of bran thereon;
- (e) shall be free from musty or obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils;
- (f) shall have length 6.0 mm. and above and length breadth ratio 3 and above;
- (g) shall be in sound merchantable condition.

*Red grains shall not exceed 2 percent.

**Other than USA.

Definitions :

- (i) Foreign matter shall include dust, stones, lumps of earth, chaff stem or straw and any other impurity.
- (ii) Broken and fragments shall include pieces of rice kernels which are less than three-fourth of a whole kernel. The pieces of kernels, smaller than one-fourth of the whole kernels, shall be treated as fragments.
- (iii) Other rice including red grains shall consist of contrasting and/or inferior varieties of rice. Red grains shall be the kernels whole or broken, which have 25% or more of their surface coated with red bran.
- (iv) Damaged, discoloured and chalky grains shall include rice kernels, broken, fragments or whole that are internally damaged or discoloured, materially affecting the quality. Chalky grains shall be the grains at least half of which is milky white in colour and brittle in nature.

SCHEDULE-3

Specification for the grade designations of quality of Basmati Rice unpolished/husked/brown basmati rice (for Export only)

Grade Designation	Maximum permissible limits (in percent by weight)							General characteristics
	Foreign matter	Broken & fragments	Other rice grains	Green grains	Red grains	Damaged discoloured & chalky grains	Moisture	
1	2	3	4	5	6	7	8	9
Special	0.5	5.0	10.0	2.0	2.0	1.0	14.0	(1) The grains shall be long slender of light brown colour and having vitreous lustre (glossy in appearance)
A	1.0	10.0	20.0	4.0	3.0	3.0	14.0	
B	1.5	1.0	30.0	6.0	4.0	5.0	14.0	

(2) The rice :—

- (a) shall be the dried matured kernels of *ORYZA SATIVA* from which the hulls have been removed and have not been subjected to further milling and shall have uniform size, shape and colour,
- (b) shall possess a marked degree of the natural fragrance characteristic of basmati rice both in the raw and cooked state;

- (c) shall not have been artificially coloured and shall be free from polishing agents;
- (d) shall be free from musty or obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils;
- (e) shall have length 6.0 mm and above and length breadth ratio 3.0 and above;
- (f) shall be in sound merchantable condition.

Definition

1. Foreign matter shall include dust, stones, lumps of earth, chaff, stem or straw and any other impurity.
2. Broken and fragments shall include pieces of rice kernels, which are less than three-fourth of a whole kernel. The pieces of kernels, smaller than one-fourth of the whole kernels shall be treated as fragments.
3. Other rice shall consist of contrasting and/or inferior varieties of rice.
4. Green grains shall be the kernels, whole or broken, which are greenish in colour.
5. Red grains shall be the kernels, whole or broken, which have their surface coated with red grain.
6. Damaged, discoloured and chalky grains shall include rice kernels, broken, fragments or whole, that are internally damaged or discoloured materially affected the quality. Chalky grains shall be the grains at least half of which is milky white in colour and brittle in nature.

SCHEDULE-4

Additional Specification of Basmati Rice Parboiled/Milled/Dehusked/Unpolished (Brown) for export to USA

Foreign matter(% by weight)		A	Animal filth (max/1000gm)		Toxic substance	Insects filth or Insects fragments (max/1000gm)
Metal fragments	Glass pieces	Stones (Max)	Bird dropping	Rodent pellets	Chemically treated seed (max./1000gm)	
NIL	NIL	NIL	NIL	NIL	3	NIL

ANNEXURE

Draft rules proposed to be made under Section 17 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963) in supersession of the notification No. S.O. 1626 dated 19th April, 1980, except in respect of things done or omitted to be done before such supersession.

1. Short title and commencement.—(1) These rules may be called the Export of Basmati Rice (Quality Control and Inspection) Rules, 1990;

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) 'Agency' means any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under Section 7 of the Act for inspection or the Agricultural Marketing Adviser to the Government of India or any other officer authorised on his behalf for inspection;

(c) 'Council' means the Export Inspection Council established under Section 3 of the Act;

(d) "Basmati Rice (Oryza Sativa)" shall mean Basmati Raw Milled Rice, Parboiled Rice and Dehusked and Unpolished (Brown) Basmati Rice produced in India.

3. Basis of Inspection.—The inspection of Basmati Rice shall be carried out with a view to seeing that the same con-

forms to the standard specifications recognised by the Central Government under Section 6 of the Act, either

(a) By ensuring that the product has been processed by exercising necessary in-process quality controls as prescribed by the Council;

(b) On the basis of inspection and testing carried out in the manner prescribed by the Council.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Basmati Rice shall give an intimation in writing to the Agency furnishing therein details of the contractual specifications alongwith a copy of the export contract or order to enable the Agency to carry out inspection in accordance with rule 3.

(2) For export of Basmati Rice processed by exercising adequate inprocess quality control as prescribed by the Council and the processing unit adjudged as having adequate in-process quality control drills by a panel of experts constituted by the Council for this purpose, the exporter shall also furnish alongwith the intimation mentioned in sub-rule (1) a declaration that a consignment of Basmati Rice intended for export has been processed by the exercising adequate quality control as prescribed by the Council and the consignment conforms to the standard specification recognised for the purpose.

(3) Every intimation under sub-rule (1) shall be given not less than 2 days before the inspection to be carried out at the premises situated at the same station where the office of the Agency is located and not less than 10 days before the inspection to be carried out at the premises which are not situated at the same station where the office of the Agency is located.

(4) On receipt of the intimation under sub-rule (1) and the declaration if any, under sub-rule (2), the Agency--

(a) On satisfying itself that the processor has exercised adequate quality control as prescribed by the Council in this regard to ensure that the product conform to the standard specification recognised for the purpose, shall within 2 days issue a certificate declaring the consignment of Basmati Rice as export-worthy;

(b) In case where the processor is not the exporter, the consignment shall be physically verified and such verification and/or inspection, if any necessary, shall be carried out by the Agency to ensure that the above conditions are complied with;

(5) (a) The Agency shall, however, carry out the spot check of some of the consignments meant for export and also visit the processing units at regular intervals to verify the adequacy of inprocess quality control drill adopted by the unit. If the processing unit is found not maintaining the required quality control measures at any stage of the processing or does not comply with the recommendations of the Council/Agency, the unit shall be declared as not having adequate in process quality control drills. In such cases, the unit, if so desires, shall apply afresh for adjudgement of the maintenance of adequacy of inprocess quality control drills.

(b) In case where the exporter has not declared under sub-rule (2) that adequate quality control as laid down by the Council had been exercised, the Agency on satisfying itself that the consignment of Basmati Rice conforms to the standard specification recognised for the purpose on the basis of inspection and testing carried out as laid down by the Council, shall within 2 or 10 days as the case may be, issue a certificate declaring the consignment of Basmati Rice as export-worthy;

Provided that where the Agency is not satisfied, it shall refuse to issue a certificate to the exporter declaring the consignment of Basmati Rice as exportworthy and shall communicate such refusal within 2 or 10 days, as the case may be, to the exporter alongwith the reasons thereof.

(6) Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment at any place or storage, in transit or at the ports before its actual shipment;

(7) In the event of the consignment being found not conforming to the standard specifications at any of these stages, the certificate of inspection originally issued shall be withdrawn.

5. Packing and Marking.—An exporter intending to pack Basmati Rice for export after preparing the consignment as per the rule shall pack in standard new gunny bags/canvas bags with inner polythene/cardboard cartons multilayer poly-laminates or as per specific requirements of the buyer.

The following information shall be stencilled/printed on bags/packages:

1. Name and address of the exporter;
2. Variety;
3. Grade;
4. Lot Number;
5. Gross weight and net weight;
6. Product of India;
7. Shipment Mark.

6. Place of Inspection.—Inspection for the purpose of these rules shall be carried out at the premises of the exporter where the goods are offered for inspection, provided that adequate facilities exist therein for inspection.

7. Inspection Fee.—A fee at the rates prescribed for the purpose of inspection shall be paid to the Agency as inspection fee for consignmentwise inspection and inprocess quality control respectively.

8. Appeal:

(a) Any exporter aggrieved by the refusal of the Agency to issue the certificate of inspection within 10 days of such refusal prefer an appeal which shall be referred by the Agency to a Panel of Exports constituted for the purpose;

(b) The quorum of the Panel shall be three;

(c) The appeal shall be disposed of within fifteen days from its receipt;

(d) The decision of the Panel in such appeal shall be final.

[F. No. 6(13)/87-EI&EP]

FOOT NOTE:

S.O. 1025 and 1026 dated 19th April, 1986.

S.O. 824(E) dated 30th September, 1980.

S.O. 3916 dated 15th October, 1983.

का. आ. 409.—केन्द्रीय सरकार, निर्यात (कृषिनिर्माण नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्-द्वारा केन्द्रीय सरकार समस्त खीर इंडिया लिमिटेड पैडी मद्रास-600050 विनिमित्त खीर रिम तथा डिस्क असेम्बली (आटोमोबाइल के पुर्जों संघटकों तथा उप साधनों) के लिए निर्यात से पूर्व निरीक्षण करने के लिए मैसूर खीर इंडिया लिमिटेड को जिनका रजिस्ट्रीकरण कार्यालय 21 पदुलोस रोड, मद्रास-600002, है, से, राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों के अधीन रहते हुए, अधिकरण के रूप में मान्यता देती है, अर्थात्:—

1. मैसूर खीर इंडिया लिमिटेड, पैडी, मद्रास-600050 में विनिमित्त खीर रिम तथा डिस्क असेम्बली का निर्यात से पूर्व मैसूर खीर इंडिया लिमिटेड, निरीक्षण करेगी और यह ऐसे अधिकारी के सकलिकी नियंत्रण में किया जाएगा जिसका पद निर्यात निरीक्षण अधिकरण—मद्रास के अपर निदेशक से कम न हो और इस प्रयोजन के लिए से, खीर इंडिया लिमिटेड, पैडी मद्रास-600050 से निर्यात की गई खीर रिम तथा डिस्क असेम्बली के पोत पर्यन्त निःशुल्क (एफ.ओ.पी.) मूल्य के 0.1 की दर से राशि निर्यात निरीक्षण अधिनियम—मद्रास को देगी जो एक वर्ष में कम से कम 1500.00 रु. (दो हजार पांच सौ रु.) और अधिक से अधिक एक लाख रुपए होगी।

2. मैसूर खीर इंडिया लिमिटेड इस अधिसूचना के अधीन अपनी कार्यों के पालन में ऐसे निदेशों द्वारा आशङ्क होगी जो निदेशक (निरीक्षण एवं कृषिनिर्माण नियंत्रण) समय-समय पर लिखित रूप में दी सकते हैं।

स्पष्टीकरण:—इस अधिसूचना के प्रयोजन के लिए, "आटोमोबाइल के पुर्जों संघटकों तथा उप साधनों" से ऑटोमोबाइल और ट्रैक्टरों में (चाहे वे यान में संलग्न हो या न हो) प्रयुक्त विनिमित्त उत्पादन हैं जिनमें वे उत्पाद भी सम्मिलित हैं जो इन मूल उत्पाद के प्रतिस्थापन पुर्जों के रूप में बिज खीर रिम तथा डिस्क असेम्बली के रूप में प्रयुक्त किए जाते हैं।

[फाइल सं. 5/1/90—ई आई एण्ड ई पी]

S.O. 409.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963) the Central Government

hereby recognises M/s. Wheels India Limited having their registered office at 21, Patullos Road, Madras-600002, as the agency, for a period of 3 years from the date of publication in the Official Gazette for inspection of Wheel rim and disc assembly (Automobile Spares, Components and Accessories) manufactured at M/s. Wheels India Limited, Padi, Madras-600 050, prior to export subject to the following conditions, namely:—

1. M/s. Wheels India Limited shall carry out inspection of Wheel, Rim and disc assembly manufactured at M/s. Wheels India Limited, Padi, Madras-600 050 prior to export under the technical control of an officer not below the rank of Additional Director Export Inspection Agency—Madras and for this purpose M/s. Wheels India Limited shall pay to the Export Inspection Agency, Madras an amount at the rate of 0.1 per cent of f.o.b. (free on board) value of wheel rim and disc assembly exported from their unit at M/s. Wheels India Limited, Padi, Madras-600 050, subject to a maximum of rupees two thousand five hundred and maximum of rupees One lakh in a year.

2. M/s. Wheels India Limited in the performance of its functions under this notification shall be bound by such directions as the Director (Inspection & Quality Control) may give to it in writing from time to time.

Explanation.—For the purpose of this Notification Automobile Spares, Components and Accessories means the manufactured products used in automobiles and trailers (whether attached to the Vehicle or not) including that used as a replacement part to the Original product viz wheel rim and disc assembly.

[F. No. 5/1/90-EI&EP]

का. प्रा. 410:—केन्द्रीय सरकार निर्यात (स्वास्तिती नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मैसर्स पेस्ट कंट्रोल, केमिकल्स, कानावारी थोटा, गुंटूर- 522004 को (i) तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा सींग तथा छुरों का धुस्तर में निर्यात से पूर्व धुस्तीकरण के लिए 3 मितम्बर, 1989 से एक वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अधिकरण तेल रहित चावल की भूसी के निर्यात (निरीक्षण) नियम 1966 के नियम 4 के उप नियम (4) तथा हड्डियों का चूरा सींग तथा छुरों के निर्यात (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धुस्तीकरण का प्रमाण-पत्र देने के लिए उक्त अधिकरण द्वारा अनुरोधित किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[का.संख्या 5/8/88-ई आई एण्ड ई पी]

New Delhi, the 17th February, 1990

S.O. 410.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963, the Central Government hereby recognises for a period of one year with effect from 3rd September, 1989 M/s. Pest Control Chemicals, Kannavarithota, Guntur-522004 as an agency for the fumigation of (i) De-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export at Guntur subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said Agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[File No. 5/8/88-EI&EP]

का.प्रा. 411:—केन्द्रीय सरकार, निर्यात (स्वास्तिती नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 की उप धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, मै. जे. बी. बोडा सर्वेयर्स, प्रा. लिमिटेड, "अरिहन्त क्रिपान", पंडित नेहरु मार्ग, जामनगर-361002, को यहाँ इसके उपाखंड अनुसूची में खनिज तथा भयस्कों का निर्यात से पूर्व निरीक्षण करने के लिए 06 नवम्बर, 1989 से एक वर्ष की अवधि के लिए इन शर्तों के अधीन अधिकरण के रूप में मान्यता देती है कि अधिकरण खनिज तथा भयस्कों के ग्रुप-I व ग्रुप-II निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के उप नियम (4) के अन्तर्गत इस संबंध में निर्यात निरीक्षण परिवर्तन के किसी भी अधिकारी को निरीक्षण प्रमाण-पत्र जारी करने के लिए उक्त अधिकरण द्वारा अनुरोधित निरीक्षण प्रणाली की जाँच करने के लिए पर्याप्त सुविधाएं देगा।

अनुसूची

1. निस्तप्त बोक्साईड सहित बोक्साईड,
2. मैंगनीज डाइऑक्साइड,
3. परिरक्ष और निस्तप्त मैंगनीज सहित मैंगनीज, 88-ई. आई. एण्ड ई. पी.]
4. बेराल्डिस,
5. लाल ओक्साईड,
6. पीला रैरिक ।

[फाईल सं. 5(15)/88-ई. आई. एण्ड ई. पी.]

ऐ. के. चौधुरी, निदेशक

S.O. 411.—In exercise of the powers conferred by sub-section (i) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognise for a period of one year with effect from 6th November, 1989 M/s. J. B. Boda Surveyors Pvt. Ltd., 'Arithant Kripa' Pandit Nehru Marg, Jamnagar-361002 as an agency for the inspection of Minerals & Ores as specified in the schedule annexed hereto prior to export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of Rule 4 of the Export of Minerals & Ores Group-I and Group-II (Inspection Rules, 1965).

SCHEDULE

1. Bauxite, including calcined bauxite.
2. Manganese Dioxide.
3. Magnesite, including dead burnt and calcined magnesite.
4. Barytes.
5. Red Oxide.
6. Yellow Ochre

[F. No. 5(15)/88-EI&EP]

A. K. CHAUDHURI, Director

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

प्रार्थना

नई दिल्ली, 21 जनवरी, 1990

का. प्रा. 412:—विकास परिवर्तन (प्रक्रियात्मक) नियम, 1952 के नियम, 2, 4, 5 और 8 के साथ पठित उद्योग (विकास तथा वित्तियमन) अधिनियम, 1951 (1951 का 65) की धारा 6

द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उद्योग मंत्रालय (औद्योगिक विकास विभाग) में भारत सरकार के आदेश म. का. भा. 1396, दिनांक 2 मई, 1988 में पञ्चदशाना निर्माणविशेष संशोधन करती है, नामतः—

उपलब्ध आदेश में क्र. सं. 6 के मामले विश्वमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखनी है, नामतः—

“6” श्री ए. वैद्यनाथन,
अपर शिक्षता लाहकार,
मानव संसाधन विकास मंत्रालय,
(शिक्षा विभाग),
शास्त्री भवन, नई दिल्ली।”

[सं. 19(2)/87 पेर.]

चरण दास, अवर सचिव

टिप्पणी: मुख्य अधिसूचना ता. 2-5-1988 के का. प्रा. सं. 1396 के तहत प्रकाशित की गई थी और बाद में ता. 14-10-1988 के का. प्रा. सं. 3120 के तहत संशोधित की गई थी।

MINISTRY OF INDUSTRY

(Department of Industrial Development)

ORDER

New Delhi, the 24th January, 1990

S.O. 412.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 2, 4, 5 and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby makes the following amendment in the Order of the Government of India in the Ministry of Industry (Department of Industrial Development) No. S.O. 1396, dated the 2nd May, 1988, namely:—

In the said order, for S. No. 6 and entry relating therein the following serial number and entry shall be substituted, namely:—

“6 Shi S. Vedanatham,
Additional Apprenticeship Adviser,
Ministry of Human Resource Development,
(Department of Education),
Shastri Bhawan, New Delhi.”

[No. 19/2/87-Paper]

CHARAN DASS, Under Secy.

NOTE: The Principal Notification was published vide S.O. No. 1396 dated 2-5-1988 and amended subsequently vide S.O. No. 3120 dated 14-10-1988.

ऊर्जा मंत्रालय

(कोयला विभाग)

शुद्धि-पत्र

नई दिल्ली, 9 जनवरी, 1990

का० प्रा० 412—भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 23 सितम्बर, 1989 के पृष्ठ क्र० 2832 से 2834 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय, कोयला विभाग की अधिसूचना का० प्रा० सं० 2358 दिनांक 23 अगस्त, 1989 में—
पृष्ठ क्र० 2833 पर—अनुसूची में,

पंक्ति 1 में “तानव” के स्थान पर “शानव” पढ़ें और जहाँ “तानव” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “शानव” पढ़ें।

पंक्ति 3 में “धनकानल” के स्थान पर “धेनकानल” पढ़ें और जहाँ कहीं भी “धेनकानल” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “धेनकानल” पढ़ें।

तालिका में ग्राम स्तंभ के नीचे—

क्र० सं० 1 “हेनसामुल” के स्थान पर “हन्समुल” पढ़ें और जहाँ कहीं भी “हेनसामुल” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “हन्समुल” पढ़ें।

क्र० सं० 6 “कनघाल” के स्थान पर “खंडाल” पढ़ें और जहाँ कहीं भी “कनघाल” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “खंडाल” पढ़ें।

क्र० सं० 8 “बालुनगांव-खामर” के स्थान पर “बलुंगा खमार” पढ़ें और जहाँ कहीं भी “बालुनगांव-खामर” शब्द प्रयुक्त हुआ हो, उस स्थान पर “बलुंगा खमार” पढ़ें।

तालिका में शिला स्तंभ के नीचे—

क्र० सं० 9 “धनकानल” के स्थान पर “धेनकानल” पढ़ें और जहाँ कहीं भी “धनकानल” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “धे नाल” पढ़ें।

सीमा वर्णन में—

रेखा ग-घ-ङ बिन्दु “ख” के स्थान पर बिन्दु “ङ” पढ़ें।

रेखा ङ-च-छ-क (पंक्ति-4) “ग” के स्थान पर “क” पढ़ें।

पृष्ठ क्र० 2834 पर

तालिका में ग्राम स्तंभ के नीचे—

क्र० सं० 3 में—“जादुनाथपुर” के स्थान पर “जदुनाथपुर” पढ़ें और जहाँ कहीं भी “जादुनाथपुर” शब्द प्रयुक्त हुआ हो, उसके स्थान पर “जदुनाथपुर” पढ़ें।

सीमा वर्णन में, रेखा ट-ठ-ड-ज

पंक्ति 3 में बिन्दु “ग” के स्थान पर बिन्दु “ज” पढ़ें।

[सं० 43015/11/89-एन०एस०डब्ल्यू०]

MINISTRY OF ENERGY

(Department of Coal)

CORRIGENDUM

New Delhi, the 9th January, 1990

S.O. 413.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) S.O. No. 2358, dated the 23rd August, 1989, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 23rd September, 1989, at pages 2834 to 2836,

1. At page—2834

in line 1 for “as” read “Whereas”.

2. At page—2835

(1) in line 22, for “Langijuda” read “Langijoda”.

(2) in line 33, for “Langijode” read “Langijoda”.

(3) in line 38, for “Hensemul” read “Hensamul”.

(4) in line 38, for “Hensemul” read “Hensamul”.

[No. 43015/11/89-LSW]

नई दिल्ली, 22 जनवरी, 1990

का. आ. 414.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इसमें उपावद्ध अनुसूची में वर्णित भूमि से कोयला अभिप्राप्त करने की संभावना है;

अतः, अब केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में कोयला का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. राजस्व/16/89 तारीख 22 जून, 1989 का निरीक्षण नार्दन कोल-फील्ड्स लि. (राजस्व अनुभाग) सिंगरौली के कार्यालय में या कलक्टर सिद्दी (मध्य प्रदेश) के कार्यालय में कोयला नियंत्रक-1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उस अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों की अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से नब्बे दिन के भीतर राजस्व अनुभाग नार्दन कोलफील्ड्स लि. सिंगरौली को परिवर्तित करेंगे।

अनुसूची

गोरखी "बी" ब्लाक विस्तार—

नार्दन कोलफील्ड्स लिमिटेड

सिंगरौली जिला सिद्दी (मध्य प्रदेश)

पूर्वोक्षण के लिए अधिसूचित भूमि

रेखांक सं. राजस्व/16/89 तारीख 22 जून, 1989

क्र. सं.	ग्राम	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणियां
1.	महदेइया	चित्रांगी	सिद्दी	55.00 (लगभग)	भाग
2.	नौरहिया	चित्रांगी	सिद्दी	601.00 (लगभग)	भाग
3.	राजखड्ड	चित्रांगी	सिद्दी	174.00 (लगभग)	भाग
4.	सोलांग	चित्रांगी	सिद्दी	403.00 (लगभग)	भाग
5.	सिगही	चित्रांगी	सिद्दी	125.00 (लगभग)	भाग
6.	चकुआर	चित्रांगी	सिद्दी	109.00 (लगभग)	भाग
7.	पादारी	चित्रांगी	सिद्दी	368.00 (लगभग)	भाग
8.	माहेर	चित्रांगी	सिद्दी	55.00 (लगभग)	भाग
				1890.00 एकड़ (लगभग) या 764.87 हेक्टर (लगभग)	

सीमा वर्णन :

क-ख रेखा—पादारी और चकुआर ग्राम होकर जाती है।

ख-ग रेखा—चकुआर और सिगही ग्राम होकर जाती है।

ग-घ रेखा—सिगही सोलांग, राजखड्ड और नौरहिया होकर जाती है।

घ-ङ रेखा—नौरहिया और महदेइया ग्राम होकर जाती है।

ङ-च रेखा—महदेइया और नौरहिया ग्राम होकर जाती है।

च-छ रेखा—नौरहिया ग्राम होकर जाती है।

छ-ज रेखा—नौरहिया ग्राम होकर जाती है।

ज-झ रेखा—नौरहिया ग्राम होकर जाती है।

झ-ञ रेखा—नौरहिया ग्राम होकर जाती है।

ञ-ट रेखा—नौरहिया ग्राम होकर जाती है।

ट-ठ रेखा—नौरहिया, मोहर और सोलांग ग्राम होकर जाती है जो गोरखी ब्लाक के साथ सम्मिलित सीमा बनाती है।

ठ-ड रेखा—सोलांग सिगही, चकुआर और पादारी ग्राम होकर जाती है जो गोरखी ब्लाक "बी" के साथ सम्मिलित सीमा बनाती है।

ड-ड रेखा— पदारी ग्राम होकर जाती है जो गोरबी ब्लॉक "बी" के साथ सम्मिलित सीमा बनाती है।

ड-क रेखा— पदारी ग्राम होकर जाती है और बिन्दु "क" पर मिलती है जो गोरबी ब्लॉक "बी" के साथ सम्मिलित सीमा बनाती है।

ण-त रेखा— पदारी ग्राम होकर जाती है।

त-थ रेखा— पदारी ग्राम होकर जाती है।

थ-ण रेखा— पदारी ग्राम होकर जाती है जो गोरबी ब्लॉक "बी" के साथ सम्मिलित सीमा बनाती है।

[फा.सं. 43015/20/89-एल.एम. डब्ल्यू]

New Delhi, the 22nd January, 1990

S.O. 414.—Whereas it appears to the Central Government, that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. Dev/16/89, dated the 22nd June, 1989 of the area covered by this notification can be inspected at the office of the Northern Coalfields Limited (Revenue Section) Singrauli or at the office of the Collector, Sidhi (Madhya Pradesh), or at the office of the Cal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Section, Northern Coalfields Limited, Singrauli within 90 days from the date of the publication of this notification in the Official Gazette.

THE SCHEDULE

GORBI 'B' BLOCK EXTENSION NORTHERN COALFIELDS LIMITED SINGRAULI, DISTT. SIDHI (M.P.)

LAND NOTIFIED FOR PROSPECTING

Plan No. Rev/16/89, dated the 22nd June, 1989

Sl. No.	Village	Tahsil	Distt.	Area in acres	Remarks
1.	Mahadeiya	Chitrangi	Sidhi	55.00 (Approximately)	Part
2.	Naurhiya	Chitrangi	Sidhi	601.00	Part
3.	Rajkhad	Singrauli	Sidhi	174.00	Part
4.	Solang	Singrauli	Sidhi	403.00	Part
5.	Sigahi	Singrauli	Sidhi	125.00	Part
6.	Chakuar	Singrauli	Sidhi	109.00	Part
7.	Padari	Singrauli	Sidhi	368.00	Part
8.	Mohar	Singrauli	Sidhi	55.00	Part

1890.00 acres (approx.)

OR

764.87 hectares (approx.)

BOUNDARY DESCRIPTION:

A—B	Line passes through village Padari & Chakuar.
B—C	Line passes through village Chakuar & Sigahi.
C—D	Line passes through village Sigahi, Solang, Rajkhad & Naurhiya.
D—E	Line passes through village Naurhiya & Mahadeiya.
E—F	Line passes through village Mahadeiya & Naurhiya.
F—G	Line passes through village Naurhiya.
G—H	Line passes through village Naurhiya.
H—I	Line passes through village Naurhiya.
I—J	Line passes through village Naurhiya.
J—K	Line passes through village Naurhiya.
K—L	Line passes through village Naurhiya, Muher & Solang which also forms common boundary of Gorbi Block 'B'.
L—M	Line passes through village Solang, Sigahi, Chakuar and Padari, which form common boundary of Gorbi Block 'B'.
M—N	Line passes through village Padari which form common boundary of Gorbi Block 'B'.
N—A	Line passes through village Padari and meets at point A, which form common boundary of Gorbi Block 'B'.
O—P	Line passes through village Padari.
P—Q	Line passes through village Padari.
Q—O	Line passes through village Padari which forms common boundary of Gorbi Block 'B'.

[No. 43015/20/89 LSW]

नई दिल्ली, 23 जनवरी, 1990

का. आ. 415.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 30) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र असाधारण, भाग 2, खंड 3, उपखंड (2) तारीख 25 फरवरी, 1987 में प्रकाशित, भारत के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. 120 (अ) तारीख 25 फरवरी, 1987 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परीक्षेत्र में भूमि और अधिकारों का अर्जन करने के लिए अपने आशय की सूचना दी थी; और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 1132.30 हैक्टर (लगभग) या 2796.78 एकड़ (लगभग) माप वाली भूमि का अर्जन किया जाना चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 1132.30 हैक्टर (लगभग) 2796.78 एकड़ (लगभग) माप वाली भूमि अर्जित की जाती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के सं. सी-1 (ई)/3 जे जे आर/424-0988 तारीख 21 सितम्बर, 1988 वाले रेखांक का निरीक्षण कलक्टर, यवतमाल (महाराष्ट्र) के कार्यालय में या कोयला निर्यतक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में, या वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) कोल एस्टेट, सिविल लाइन्स नागपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची
नीलजई ब्लाक (भाग-3)

बानी क्षेत्र

यवतमाल जिला (महाराष्ट्र)

सभी अधिकार

क्र. सं.	ग्राम का नाम	पटवारी सकिल सं.	ग्राम सं.	तहसील	जिला	क्षेत्र हैक्टरों में	टिप्पण
1.	पिम्परी	32	217	बानी	यवतमाल	27.54	भाग
2.	अहेरी	32	12	बानी	यवतमाल	367.87	भाग
3.	बैलहेला	33	351	बानी	यवतमाल	116.59	भाग
4.	पिंपलगांव	33	218	बानी	यवतमाल	242.26	भाग
5.	बोरगांव	33	247	बानी	यवतमाल	56.19	भाग
6.	उकनी	34	21	बानी	यवतमाल	321.85	भाग
कुल क्षेत्र					1132.30 हैक्टर (लगभग)		
या					2796.78 एकड़ (लगभग)		

पिम्परी ग्राम में अर्जित प्लॉट संख्यांक :

41 से 50

अहेरी ग्राम में अर्जित प्लॉट संख्यांक :

1 भाग, 2 भाग, 4 भाग, 29 भाग, 31 भाग, 32 भाग, 35 भाग, 36 भाग, 37 से 47, 48 भाग, 50 भाग, 51 भाग, 52 से 59, 60 भाग, 61 से 112, 113/1, 113/2, 114 से 128, 131 से 133, 139 से 217, 218/1-218/2, 21-ब से 226, 245 भाग, 246 से 248, 255 से 259, सड़क भाग, आबादी, बैल गाड़ी मार्ग का भाग और नदी ताला भाग।

बैलहेला ग्राम में अर्जित प्लॉट संख्यांक :

3/1-3/2, 4/1-4/2, 4/3-4/4-4/5, 5/ए-5/2ए, 5/3, 6 से 9, 10/1-10/2, 11, 12/1, 12/1-ए-12/2, 13/1-13/2, 14/1-14/2-14/3, 15-1-15/2-15/3, 15/3-ए-15/4, 15/1-16/1ए-16/1बी-16/1सी-16/2ए-16/2बी-16/3, 17, 18/1-18/2-18/2ए-18/2मी-18/3-18/4, 19/1-19/2-19/3 19/4, 20/1-20/1बी-20/2, 20/1-ए-20/1बी-29/1-सी-29/2-29/3, 31/1, 1 3 32/1-32/1ए-32/2-32/3, सड़क भाग।

पिपलगांव ग्राम में अजित प्लाट संख्यांक

9 भाग, 10 भाग, 19 भाग, 21 भाग, 22 भाग, 23 से 92, 93/1-93/2, 94 से 112, 113 भाग, 114 भाग, 117 से 126 भाग और सड़क भाग।

बोरगांव में अजित प्लाट संख्यांक :

110 से 120, 123 से 132, 139 भाग, 140 भाग, 141, 142, 143, भाग, 152 भाग ;

उकनी ग्राम में अजित प्लाट संख्यांक :

446 से 456, 516, 517, 535, से 537, 539, 540, 542, से 551, 552/1-552/2, 553, 554, 555/1-555/2, 556 से 561, 562/1-562/2, 563/ए-563-बी, 564/1- 564/2, 565, 585 से 589 से 600 से 627, 628/1-628/2, 629 से 633, 635 से 646, 647-ए-647-बी, 648/1-649/2, 649 से 656, 657-657-ए, 658, 659 भाग, 660, 661, भाग, 662 भाग, 667 भाग, 668 से 674, 675 भाग, 676 भाग, 677 भाग और सड़क भाग।

सीमा वर्णन :

क-ख रेखा "क" बिन्दु से आरम्भ होती है और पिम्परी और बोलहेला ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है तथा "ख" बिन्दु पर मिलती है।

ख-ग रेखा प्लाट संख्यांक 41, 50 की बाहरी सीमा के साथ-साथ पिम्परी ग्राम से होकर जाती है, फिर प्लाट संख्या 258, 259, 255, 247, 258 की बाहरी सीमा के साथ अहेरी ग्राम से होकर जाती है और प्लाट संख्यांक 245 से होकर जाती है, फिर प्लाट संख्या 226, 221, 220, 219, 218/1-218/2, आबादी, 1, 2, की बाहरी सीमा से होकर जाती है और "ग" बिन्दु पर मिलती है।

ग-घ रेखा अहेरी ग्राम से प्लाट सं. 2, 1, 4, 36, 35, 32, 29, 31, 48, 57, 50, 60 से होकर गुजरती है फिर प्लाट संख्यांक 152, 143, 139, 140 से होकर बोरगांव से गुजरते हुए प्लाट संख्यांक 132, 126, 123, 120, 110, की बाहरी सीमा के साथ-साथ चलती है और बोरगांव और पिपल गांव ग्रामों पर सम्मिलित सीमा के साथ-साथ जाती है और पिपल गांव से होकर प्लाट सं. 114, 113 से होकर प्लाट सं. 111, 119, 126, 125 की बाहरी सीमा के साथ सड़क और प्लाट सं. 19, 21, 22, 10, 9 से होकर जाती है, और उकनी ग्राम की प्लाट सं. 659, 662, 661, 667, 675, 676, 677, सड़क से होकर आगे बढ़ती है और "घ" बिन्दु पर मिलती है।

घ-ङ रेखा, सड़क की बाहरी सीमा और प्लाट सं. 535, 537, 539, 540, 542, 543, 550, 456, 453, 455, 454 के साथ-साथ उकनी ग्राम के से होकर जाती है और "ङ" बिन्दु पर मिलती है।

ङ-च रेखा उकनी ग्राम से होकर प्लाट सं. 454, 452, 449, 447, 446, 563-क, 563-ख, 564-1-564/2, 565, सड़क, 585, 517, 516, 602, 601, 600 की बाहरी सीमा के साथ साथ जाती है और बिन्दु "च" पर मिलती है।

च-छ रेखा बेलहेला ग्राम से होकर प्लाट सं. 32/1-32/1-क-32/2-32/3, 31/1-31/2, 16/1क-16/1ख-16/1ग-16/2क-16/16/2ख-16/3, 29/1क-29/1ख-29/1ग-29/2-29/3, सड़क, 20/1-20/1ख, 20/23/1, 3/2 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "छ" पर मिलती है।

छ-क रेखा बेलहेला और अहेरी ग्रामों की सम्मिलित सीमा के साथ-साथ चलती है और अहेरी ग्राम से होकर प्लाट सं. 127, 128, 131, 132, 133, 142, 141, 140, 139, 161, 162 की बाहरी सीमा के साथ साथ जाती है, फिर वह पिपरी ग्राम से होकर प्लाट संख्या 46, 45, 44 की बाहरी सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं. 43015/4/87-सी ए/एन एस डब्ल्यू]

बी.बी. राव, अवर सचिव

New Delhi, 23rd January, 1990

S.O. 415:—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 120(E) dated the 25th February, 1987 under sub-section (i) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and published in the Gazette of India, Extra-ordinary, Part-II, Section 3, Sub-section (ii) dated the 25th February, 1987 the Central Government gave notice of its intention to acquire land and rights in the locality specified in the Schedule appended to that notification.

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Maharashtra is satisfied that the lands measuring 1132.30 hectares (approximately) or 2796.78 acres (approximately) described in the schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 9 of the said Act, the Central Government hereby declares that the lands measuring 1132.30 hectare (approximately) or 2776.78 acres (approximately) described in the said Schedule are hereby acquired.

The plan No. C-1(E)III/JJR/424-0988 dated 21st September, 1988 of the area covered by this notification may be inspected in the office of the Collector, Yavatnal (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur (Maharashtra).

SCHEDULE
NILJAI BLOCK (PART III)
WANI AREA
DISTRICT YAVATMAL (MAHARASHTRA)

ALL RIGHTS

Serial No.	Name of village	Patwari Circle No.	Village No.	Tahsil	District	Area in hectares	Remarks
1.	Pimpari	32	217	Wani	Yavatmal	27.54	Part
2.	Aheri	32	12	Wani	Yavatmal	367.87	Part
3.	Welhala	33	351	Wani	Yavatmal	116.59	Part
4.	Pimpalgaon	33	218	Wani	Yavatmal	242.26	Part
5.	Borgaon	33	247	Wani	Yavatmal	56.19	Part
6.	Ukani	34	21	Wani	Yavatmal	321.85	Part
Total area:						1132.30 hectares (approximately) or 2796.78 acres (approximately)	

Plot numbers acquired in village Pimpari:

41 to 50.

Plot numbers acquired in village Aheri:

1 Part, 2 Part, 4 Part, 29 Part, 31 Part, 32 Part, 35 Part, 36 Part, 37 to 47, 48 Part, 50 Part, 51 Part, 52 to 59, 60 Part, 61 to 112, 113/1-113/2, 114 to 128, 131 to 133, 139 to 217, 218/1-218/2, 219 to 226, 245 Part, 246 to 248, 255 to 259, road part, Abadi, Cart track Part and River/Nallah Part.

Plot numbers acquired in village Welhala:

3/1-3/2, 4/1-4/2-4/3-4/4-4/5, 5/1A-5/2A-5/3, 6 to 9, 10/1-10/2, 11, 12/1, 12/1A-12/2, 13/1-13/2, 14/1-14/2-14/3, 15/1-15/2-15/3-15/3A-15/4, 16/1-16/1A-16/1B-16/1C-16/2A-16/2B-16/3, 17, 18/1-18/2-18/2A-18/2B-18/2C-18/3-18/4, 19/1-19/2-19/3-19/4, 20/1-20/1B-20/2, 29/1A-29/1B-29/1C-29/2-29/3, 31/1-31/2, 32/1-32/1A-32/2-32/3-, road Part.

Plot numbers acquired in village Pimpalgaon:

9 part, 10 part, 19 part, 21 part, 22 part, 23 to 92, 93/1-93/2, 94 to 112, 113 part, 114 part, 119 to 126 and road part.

Plot numbers acquired in village Borgaon:

110 to 120, 123 to 132, 139 part, 140 part, 141, 142, 143 part, 152 part.

Plot numbers acquired in village Ukani:

446 to 456, 516, 517, 535 to 539, 537, 540, 542 to 551, 552/1-552/2, 553, 554, 555/1-555/2, 556 to 561, 562/1-562/2, 563/A-563/B, 564/1-564/2, 565, 585 to 589, 600 to 627, 628/1-628/2, 629 to 633, 635 to 646, 647/A-647/B, 648/1-648/2, 649 to 656 657-657/A, 658, 659 part, 660, 661 part, 662 part, 667 part, 668 to 674, 675 part, 676 part, 677 part and road part.

Boundary description:

A—B	Line starts from point 'A' and passes along the common village boundary of villages Pimpari and Kolera and meets at point 'B'.
B—C	Line passes through village Pimpari along the outer boundary of Plot number 41, 50, then through village Aheri along the outer boundary of plot numbers 258, 259, 255, 247, 248 and in plot number 245 and then outer boundary of plot numbers 226, 221, 220, 219, 218/1-218/2, abadi, 1, 2 and meets at point 'C'.
C—D	Line passes through village Aheri in plot numbers 2, 1, 4, 36, 35, 32, 29, 31, 48, 51, 50, 60, then proceeds through village Borgaon in plot numbers 152, 143, 139, 140 along the outer boundary of plot numbers 132, 126, 123, 120, 110 and along the common boundary of villages Borgaon and Pimpalgaon and proceeds through village Pimpalgaon in plot Nos. 114, 113, along the outer boundary plot numbers 111, 119, 126, 125, road and in plot numbers 19, 21, 22, 10, 89 and proceed through village Ukani in plot numbers 659, 662, 661, 667, 675, 676, 677, road and meets at point 'D'.
D—E	Line passes through village Ukani along the outer boundary of road and plot numbers 535, 557, 539, 540, 542, 543, 550, 456, 453, 455, 454, and meets at point 'E'.
E—F	Line passes through village Ukani along the outer boundary of plot numbers 454, 452, 447, 449, 446, 563/A-563/B, 564/1-564/2, 565, road, 585, 517, 516, 602, 601, 600 and meets at point 'F'.
F—G	Line passes through village Welhala along the outer boundary of plot numbers 32/1-32/1A-32/2-32/3, 31/1-31/2-16/1-16/1A-16/1B-16/1C-16/2A-16/2B-16/3, 29/1A-29/1B-29/1C-29/2-29/3 road, 20/1-20/1B-20/2, 3/1-3/2 and meets at point 'G'.
G—A	Line passes along the common boundary of villages Welhala and Aheri and passes through village Aheri along the outer boundary of plot numbers 127, 128, 131, 132, 133, 142, 141, 140, 139, 161, 162, then proceeds through village Pimpari along the outer boundary of plot numbers 46, 45, 44 and meets at starting point 'A'.

[No. 43015/4/87-CA/LSW]

B.B. RAO, Under Secy.

परमाणु ऊर्जा विभाग

बम्बई, 9 जनवरी, 1990

का० प्रा० 416.—केन्द्रीय सरकार परमाणु ऊर्जा (खानों का संचालन, खनिज तथा निर्धारित तत्वों का हस्तान्तरण) नियम 1984 के नियम 2 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के परमाणु ऊर्जा विभाग के परमाणु ऊर्जा निषेधात्मक बोर्ड के अध्यक्ष को उक्त नियमों के प्रयोजन के लिए "लाइसेंस प्राधिकारी" नियुक्त करती है।

[संख्या एईए/7/1/85-ईआर]

DEPARTMENT OF ATOMIC ENERGY

Bombay, the 9th January, 1990

S.O. 416.—In exercise of the powers conferred by clause (m) of rule 2 of the Atomic Energy (Working of the Mines, Minerals and Handling of Prescribed Substances) Rules, 1984. The Central Government hereby appoints the Director, Atomic Minerals Division of the Department of Atomic Energy, Government of India as the 'Licensing Authority' for the purposes of the said rules.

[No. AEA/27/1/85-ER]

का० प्रा० 417.—केन्द्रीय सरकार परमाणु ऊर्जा (खानों का संचालन, खनिज तथा निर्धारित तत्वों का हस्तान्तरण) नियम 1984 की धारा 2 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के परमाणु ऊर्जा विभाग के परमाणु खनिज प्रभाग के निदेशक को उक्त नियमों के प्रयोजन के लिए "लाइसेंस प्राधिकारी" नियुक्त करती है।

[संख्या एईए/7/1/85-ईआर]

श्रीमती प्राची सिन्हा, अवर सचिव

S.O. 417.—In exercise of the powers conferred by clause (m) of rule 2 of the Atomic Energy (Working of the Mines, Minerals and Handling of Prescribed Substances) Rules, 1984. The Central Government hereby appoints the Director, Atomic Minerals Division of the Department of Atomic Energy, Government of India as the 'Licensing Authority' for the purposes of the said rules.

[No. AEA/27/1/85-ER]

SMT. PRACHI SINHA, Under Secy.

काच एवं नागरिक पूर्ति अंचालय

(नागरिक पूर्ति विभाग)

भारतीय मानक न्यूरो

नई दिल्ली, 8 जनवरी, 1990

का. प्रा. 418.—भारतीय मानक न्यूरो विनियम, 1988 के विनियम, 5 के उपविनियम (6) के अनुसरण में एनडीएचए अधिसूचित किया जाता है कि लाइसेंस संख्या सीएमएल-1449051 जिसके विवरण नीचे दिए गए हैं जो प्र.म. द्वारा लाइसेंस जारी न रखने के अनुरोध के कारण अनुसूची में प्रत्येक लाइसेंस के सामने दी गई तिथियों से रद्द कर दिए गए हैं।

अनुसूची

क्रम सं. लाइसेंस संख्या तथा दिनांक	लाइसेंस धारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/वस्तुएं	सम्बद्ध भारतीय मानक	रद्द करने की तारीख
(1)	(2)	(3)	(4)	(5)
1. सीएमएल-1449051 1985-09-16	मै. प्रशोक इनेमच एंड ग्लास बक्से कांच की दूध की बोतलें (प्रा.) लि., 189, गिरिजा बोस रोड, बेलूर, हवड़ा	कांच की दूध की बोतलें की बोतल की विनिष्टि (नॉसरा पुनरीक्षण)	IS:1392-1983 कांच की दूध की बोतल की विनिष्टि (नॉसरा पुनरीक्षण)	1989-06-01

[संख्या सीएमडी/55: 1449051]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 8th January, 1990

S. O. 418 :- In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that licence No. CM/L-1449051 particulars of which are given below has been cancelled with effect from 1989-06-01 as there is no order for supply of glass milk bottles.

THE SCHEDULE

Licence No. & Date	Name and Address of the licensee	Article/Process Covered by the licence Cancelled	Relevant Indian Standard
1	2	3	4
CM/L-1449051 1985-09-16	M/s. Ashoke Enamel & Glass Works (P) Ltd., 189, Girish Ghosh Road, Belur, Howrah.	Glass Milk Bottles	IS : 1392--1983 Specification for Glass -Milk Bottles (Third Revision).

[No. CMD/55/ : 1449051]

का. भा. 419.--भारतीय मानक अधिनियम, 1987 के नियम, 9 के उपनियम, 9 के अनुसूचन में यह अधिसूचित किया जाता है कि पहले भारत के राजपत्र के भाग 2, खंड 3, उपखंड (ii) में अधिसूचित मूद्रांकन शुल्क को इस अनुसूची के स्तम्भ 7 अथवा 8 में उसी अनुसूची के स्तम्भ 2 व 3 के संगत विद्यमान विभिन्न उत्पादों के संबंध में इसा के स्तम्भ 4, 5, 6 में बताए गए अनुसार संशोधित किया गया है। मूद्रांकन शुल्क की संशोधित दरें उनमें से प्रत्येक के सामने वर्णित गई विधियों से लागू होंगी :

अनुसूची

क्रम सं.	उत्पाद	संख्या तथा वर्ष	इकाई	मूद्रांकन शुल्क दर	संबंध	भारत के राजपत्र की अधिसूचना के जारी होने की तारीख	भारत के राजपत्र के जारी होने की तारीख	अभावी होने की तारीख	
1	2	2	4	5	6	7	8	9	10
				प्रति इकाई के लिए	अधिकृतिक का. प्रा.सं. तथा वि. सं. तथा वि.	अधिकृतिक रूप से संशोधित का. प्रा. सं. तथा वि.			
1.	मुद्रांका	IS:193-1982	एक किंवा	0.50	सभी	--	140	1979-01-13	1989-08-01
							1978-12-18		
2.	दरवाजे के हथिये	IS:208-1979	एक नम	0.03	सभी	--	2507	1986-07-12	1989-07-01
							1986-06-20		
3.	ट्राइकोरॉइडवाइसीन तकनीकी श्रेष्ठ	IS:245-1970	एक टन	10.00	सभी	--	4199	1983-11-19	1988-07-01
							1983-10-26		
4.	कापर सल्फेट	IS:261-1982	एक टन	3.00	सभी		220	1984-01-21	1989-06-01
							1983-12-27		
5.	घुलाई का साबुन	IS:285-1974	एक टन	3.00	सभी	--	4199	1983-11-19	1989-07-01
							1983-10-26		
6.	प्लाई वुड	IS:303-1975	1 मी 2	0.05	सभी	--	1274	1984-04-21	1989-08-01
							1984-04-12		
7.	सीसेदार, टिन कोनों की इंग्रेड और उत्पादों	IS:318-1981	एक टन	60.00	सभी	4517	--	1985-09-21	1989-06-01
						1985-08-28			
8.	फुटबॉल	IS: 417 (भाग 1) 1986	एक नम	0.15	सभी	--	4199	1983-11-19	1989-07-01
							1983-10-26		
9.	बॉलीबॉल	IS:417 (भाग 2)- 1974	वही	0.15	सभी	--	वही	वही	वही
10.	बास्केटबॉल	IS:417 (भाग 3)- 1986	वही	0.15	सभी	--	वही	वही	वही
11.	नेट बॉल	IS:417 (भाग 4) 1976	वही	0.15	सभी	--	वही	वही	वही
12.	फ्रैक्ने वाली गेंद	IS:417 (भाग 5) 1976	वही	0.15	सभी	--	वही	वही	वही
13.	बाटरबॉल की गेंद	IS:417 (भाग 6) 1976	वही	0.15	सभी		वही	वही	वही

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
14. पानी के लिए रबर के हीज	IS:444-1980	100 मीटर	10.00 सभी			19-6 1963-06-28	--	1963-07-13	1989-06-01
15. हवा के लिए रबर के हीज	IS:446-1980	वही	10.00 सभी			--	3414 1987-11-18	1987-12-12	1989-06-01
16. हवाई जहाज के लिए मध्य सामर्थ्य की प्लॉई बुड	IS:706-1974	1 मी ²	0.10 सभी			--	2422 1980-08-28	1980-09-20	1989-08-01
17. समुद्री उपयोग की प्लॉई बुड	IS:710-1976	वही	0.10 सभी			--	2445 1980-08-28	1989-09-20	1989-08-01
18. सेल चढ़े पकाने, गुण से सेनेटी उपस्कर	IS:771 (भाग 1) एक टन 79 IS:771 (भाग 2)- 79 IS:771 (भाग 3/ खंड 1)-1979 IS:771 (भाग 4/ खंड 2)-1979 IS:771 (भाग 4)- 79 IS:771 (भाग 5)- 79 IS:771 (भाग 6)- 79 IS:771 (भाग 7)- 81	एक टन	5.00 सभी			10-7 1989-02-09	--	1988-04-02	1989-08-01
19. अधिक उबाला गया चीनी का मिष्ठान	IS:1008-1981	एक किग्रा.	0.10 सभी			--	1998 1985-05-30	1984-06-23	1989-08-01
20. मोटर गाड़ियों के मिलान हेतु पटलित कमानों	IS:1135-1984	एक टन	10.00 पहली 2000 5.00 शेष			--	1015 1988-01-20	988-04-02	1989-07-01
21. फर्श के लिए सीमेंट कंक्रीट टाइल	IS:1237-1980	10 मी ²	1.50 सभी			--	1998 1984-05-30	1984-06-23	1989-08-01
22. जलमय तथा नमीसह करने के लिए बिटूमिन नमदे	IS:1322-1982	1000 मी.	6.00 सभी			--	3414 1987-11-18	1987-12-12	1989-08-01
23. भजावटी परत चढ़ी प्लॉई बुड	IS:1328-1970	1 मी ²	0.10 सभी			--	वही	वही	वही
24. जल, गैस और मल जल के लिए अपकेटी डबे (स्पन) बास पाइप	IS:1536-1976	एक टन	4.00 पहले 15000 2.00 शेष			--	1015 988-01-20	1988-04-02	1989-07-01
25. इमारतों में पाइपो और पाइप फिटिंगों के लिए एस्बेस्टस सीमेंट निर्मिती	IS:1626 (भाग 1) एक टन 1980	एक टन	12.00 सभी			--	1015 1988-01-20	1988-04-02	1989-08-01
26. इमारतों में गटरों और गटर फिटिंगों के लिए एस्बेस्टस सीमेंट की निर्मिती	IS:1626 (भाग 2) - वही 1980	एक टन	12.00 सभी			--	वही-	वही	वही
27. इमारतों में छान के लिए एस्बेस्टस सीमेंट की निर्मिती	IS:1626 (भाग 3) - वही 1980	एक टन	12.00 सभी			--	वही	वही	वही
28. रेजा हाथबॉर्ड	IS:1658-1977	वही	5.00 सभी			--	3414 1987-11-18	1987-12-12	वही

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
29. सूती लकड़ी की	IS:1718-1970	100 मीटर का एक रोल	0.10	सर्पी	--	2988	1984-08-22	1989-04-01	
30. बालू बने ग्रीड प्लि-गड और साफ्ट, पाउच फिटिंग	IS:1729-1979	एक टन	5.48	सर्पी	--	3414	1987-12-02	1989-08-01	
31. सूती करवों में ब्रयोस के लिए सूती हील्स	IS:1739-1978	100 सेट	5.00	सर्पी	--	2405	1984-07-28	1989-04-01	
32. सादा कठोर कर्षित इस्पात अत्यंत कर्षित प्रतिबल मुक्त तार	IS:1785 (भाग 1) -1983	एक टन	6.00	सर्पी	--	2507	1986-07-12	1989-08-01	
33. सादा कठोर कर्षित इस्पात यथा कर्षिततार	IS:1785 (भाग 2) -1983	वही	6.00	सर्पी	--	वही	वही	--	
34. साल्ट जाला बुगध घाहूर	IS:1808-1975	वही	20.00	मनी	--	1015	1988-04-02	1989-08-01	
35. एल्युमिनियम मिश्र-धातु के बूध के डिब्बे	IS:1825-1983	एक डिब्बा	1.00	सर्पी	--	3324	1986-08-27	1989-07-01	
36. कमोड (वाटरक्लोज-सेट) हेतु प्लास्टिक की थर्मोसेट सीट और और बकल	IS:2548 (भाग 1) 1983	एक सीट और बकल	0.50	सर्पी	--	2507	1986-07-12	1989-08-01	
37. कमोड (वाटरक्लोज सेट) हेतु प्लास्टिक की थर्मोप्लास्टिक सीट और बकल	IS:2548 (भाग 2)- 1983	वही	0.50	सर्पी	--	वही	वही	वही	
38. बिट्रिक्स सैनेट्री उप-करण (बिट्रिक्स बाइना)	IS:2556 (भाग 1) 74 IS:2556 (भाग 2) -81 IS:2556 (भाग 4)- 81 IS:2556 (भाग 4) -72 IS:2556 (भाग 5)- 79 IS:2556 (भाग 6/ खंड 1)-79 IS:2556 (भाग 6/ खंड 2)-74 IS:2556 (भाग 6/ खंड 3)-74 IS:2556 (भाग 6/ खंड 4)-74 IS:2556 (भाग 6/ खंड 5)-74 IS:2556 (भाग 6/ खंड 6)-74 IS:2556 (भाग 7) -73 IS:2556 (भाग 8) -85 IS:2556 (भाग 9) -79	5.00	सर्पी	1275	--	1984-04-21	1989-08-01		

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
		IS:2556 (भाग 10)							
		-74							
		IS:2556 (भाग 11)							
		-79							
		IS:2556 (भाग 12)							
		-73							
		IS:2556 (भाग 13)							
		-73							
		IS:2556 (भाग 14)							
		-74							
		IS:2556 (भाग 15)							
		-74							
39	इंटरगैरल सोसैटि मटे- थोसिक	IS:2645-1975	एक टन	6.00	सर्भी	--	3414 1987-11-18	1987-12-12	1989-08-01
40	असापिचम सोसाइड, शङ्ख	IS:2723-1985	वहाँ	25.00	सर्भी	--	220 1983-12-27	1984-01-21	वहाँ
41	प्राकृतिक बीज (कटोर, किस्म), अमित्र बाज भुरभुरा चोश घार कोमल चोश	IS:2785-1979	एक टन	10.00	सर्भी	--	1993 1984-05-30	1984-06-23	1989-07-01
42	प्राथमिक सोसाइड	IS 2797-1982	वहाँ	25.00	सर्भी	--	220 1983-12-27	1984-01-21	1989-08-01
43	प्रत्यक्षाल कफि- थिक्क: चूर्ण	IS:3309-1975	एक किग्रा	0.20	पहली 50000 0.10 शेप	--	2405 1984-06-29	1984-07-287	1989-07-01
44	स्किगमोभिनीमोटर, पारा टाइम	IS:3390-1977	एक स्किग- मोभिनीमोटर	2.00	सर्भी	--	4199 1983-10-26	1983-11-19	1989-05-01
45	मुद्रिका कलाई और डबलिंग तर्कुओ के लिए ताना नलियों की विनि- फिट ओपेधाम्	IS:3625 (भाग 1) -1983	एक टन	25.00	सर्भी	--	2405 1984-06-29	1984-07-28	1989-04-01
46	विनी: फनस्को के थिक्क	IS 3702-1975	1000 थिक्क	10.00	सर्भी	--	2236 1984-06-18	1984-07-14	1989-07-01
47	समिप्र मले के थिक्क हस्पान के बर्न विश्वत लेपित बाबा	IS:4536 (भाग 1) -1968	एक मग	0.30	सर्भी	--	4199 1983-10-26	1983-11-19	1989-05-01
49	अडे का चूर्ण	IS 4723-1978	एक किग्रा.	0.40	सर्भी	--	2405 1984-06-29	1984-07-28	1989-07-01
49	आननभमत हेनु थिक्क अनन थिक्क फिक्क कैतथन के हौज	IS:4927-1968	100 मीटर	5.00	सर्भी	--	1015 1988-01-20	1988-04-02	1989-08-01
50	सामान्य प्रयोग हेनु थिक्क हस्पान तार के प्रागे	IS:4948-1974	एक टन	10.00	सर्भी	--	2507 1986-06-20	1986-07-12	1989-08-01
51	प्राथमिक सोसाइड का थिक्क (3 थिक्क तालाब लगे घोर 8 थिक्क तार बने)	IS:5175-1982	वहाँ	25.00	पहले 500 15.00 शेप	--	2887 1986-07-25	1986-08-16	1989-04-01
52	प्राथमिक सोसाइड का थिक्क का थिक्क तालाब, एक तालाब का पैटर्न	IS:5312 (भाग 1) 1984	एक थिक्क	1.00	सर्भी	--	2507 1986-06-20	1986-07-12	1989-08-01

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
53.	सैस मेन, जल मेन और सीवर के लिए रबर के सीलिंग रिंग	IS:5382-1985	एक तग 0.15 पट्टी 0.10 रोष	100000	—	1150	1986-03-22	1989-04-01	
54.	ला-भातालिंग परीक्षण में प्रयुक्त उपकरण	IS:5514-1969	बही	0.50	सभी	—	2507	1986-07-12	1989-09-01
55.	पूर्व प्रतिबलित कंक्रीट के लिए बालेदार तार	IS:6003-1983	एक टन	6.00	सभी	—	2507	1986-07-12	1989-09-01
56.	मैन्यूअल ब्लो पाइप	IS:7653-1975	एक तग	1.00	सभी	—	1500	1981-05-16	1989-04-01
57.	निर्वास क्लास्क	IS:7708-1975	10 क्लास्क	3.00	सभी	—	2236	1984-07-14	1989-07-01
58.	अग्निशमन के लिए नियंत्रित छिड़काव वाले हीज	IS:8423-1977	100 मीटर	5.00	सभी	—	1998	1984-06-23	1989-08-01
59.	एस्बेस्टस सीमेंट के बाल पाइपों के साथ प्रयुक्त छतवां लोहे के अलग हो सकने वाले जोड़	IS:8794-1978	एक टन	7.50	सभी	—	3414	1987-12-12	1989-08-01
60.	कार्य के दौरान रुकने पर लगने वाले स्नेहक	IS:9182 (भाग 3) 1979	बही	15.00	सभी	—	4199	1983-11-19	1989-07-01
61.	उर्वरक की पैकिंग के लिए उच्च घनत्व पॉलीथीन (एचडीपीई) के बने बोरे	IS:9755-1985	100 बोरे	1.50	सभी	—	550	1987-02-28	1989-04-01
62.	सुबाह्य मीथेनोमीटर (विद्युत टाइप)	IS:9937-1981	एक तग	8.00	सभी	—	1026	1988-04-02	1989-07-01

[संख्या सं. एम. सी. 13:10]

S.O. 419: -The Bureau of Indian Standards, hereby notifies that the marking fees as notified earlier in Part-II, Section-3, Sub-Section (ii) of the Gazette of India, shown in Col. 7 or 8 of the Schedule given hereunder, in respect of various products shown under Col. 2 and 3 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof.

SCHEDULE

Sl. No.	Product	IS : No. & Year	Unit	Marking Fee Rate		Reference of Govt. of India, Gazette Notification	Date of Issue of Gazette of India	Date of Effect	
				Per unit Rs.	for unit P.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	Soft solder	IS : 193—1982	One Kg.	0.50	All	—	140 1978-12-18	1979-01-13	1989-08-01
2.	Door handles.	IS : 208—1979	One Piece	0.03	All	—	2507 1986-06-20	1986-07-12	1989-07-01
3.	Trichloroethylene technical	IS : 245—1970	One Tonne	10.00	All	—	4199 1983-10-26	1983-11-19	1989-07-01

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
4. Copper sulphate	IS : 261 -1982	One Tonne	3.00	All	---	220	1984-01-21	1989-06-01	1983-12-27
5. Laundry soaps	IS : 285—1974	One Tonno	3.00	All	---	4199	1983-11-19	1989-07-01	1983-10-26
6. Plywood	IS : 303— 1975	1 Sq. Metre	0.05	All	---	1274	1984-04-21	1989-08-01	1984-04-12
7. Leaded tin bronze ingots and castings	IS : 318 - 1981	One Tonne	60.00	All	4517	1985-09-21	1985-09-21	1989-06-01	1985-08-28
8. Footballs	IS : 417(Pt-I)—86	One Piece	0.15	All	---	4199	1983-11-19	1989-07-01	1983-10-26
9. Volleyballs	IS : 417(Pt 2)— 74	-do-	0.15	All	---	-do-	-do-	-do-W	
10. Basketballs	IS : 417(Pt-3)— 86	-do-	0.15	All	---	-do-	-do-	-do-	
11. Betballs	IS : 417(Pt-4)—76	-do-	0.15	All	---	-do-	-do-	-do-	
12. Throwballs	IS : 417(Pt-5)—76	-do-	0.15	All	---	-do-	-do-	-do-	
13. Waterpolo balls	IS : 417(Pt-6)— 76	-do-	0.15	All	---	-do-	-do-	-do-	
14. Rubber water hose	IS : 444 -1980	100 Metres	10.00	All	1946	---	1963-07-13	1989-06-01	1963-06-28
15. Rubber air hose	IS : 446—1980	-do-	10.00	All	---	3414	1987-12-12	1989-06-01	1987-11-18
16. Medium strength air craft plywood	IS : 709 -1974	1 Sq. Metre	0.10	All	---	2422	1980-09-20	1989-08-01	1980-08-27
17. Marine plywood	IS : 710 -1976	-do-	0.10	All	---	2445	1980-09-20	1989-08-01	1980-08-28
18. Glazed fire sanitary appliances	IS : 771(Pt-I)—79 IS : 771(Pt-II) -79 IS : 771(Pt-III/Sec-I) —1979 IS : 771(Pt-IV/Sec-2) —1979 IS : 771(Pt-IV)—79 IS : 771(Pt-V)—79 IS : 771(Pt-VI)—79 IS : 771(Pt-II)—81	One Tonne	5.00	All	1007 1989-02-09	---	1988-04-02	1989-08-01	
19. Hard boiled sugar confectionary.	IS : 1008—1981	One Kg.	0.10	All	---	1998	1984-06-23	1989-05-01	1984-05-30
20. Laminated springs assembly for automobile suspension	IS : 1135 -1984	One Tonne	10.00 5.00	First 2000	---	1015	1988-04-02	1989-07-01	1988-01-20
21. Cement concrete flooring tiles.	IS : 1237—1980	10 Sq. Metres	1.50	All	---	1998	1984-06-23	1989-08-01	1984-05-30
22. Bitumen left for water proofing and damp-proofing	IS : 1322—1982	1000 m.	6.00	All	---	3414	1987-12-12	1989-08-01	198-711-18
23. Veneered decorative plywood.	IS : 1328—1970	1m2	0.10	All	---	-do-	-do-	-do-	
24. Centrifugally cast (spun) iron pressure pipes for water, gas and sewage.	IS : 1536—1976	One Tonne	4.00 2.00	First Remaining	---	1015	1988-04-02	1989-07-01	1988-01-20
25. Asbestos cement building pipes and pipe fittings	IS : 1626(Pt-I)—80	One Toonne	12.00	All	---	1015	1988-04-02	1989-08-01	1988-01-20
26. Asbestos cement building gutters and gutter fittings.	IS : 1626(Pt-II) 80	-do-	12.00	All	---	-do-	-do-	-do-	
27. Asbestos cement building roofing fittings.	IS : 1626(Pt-III) 80	-do-	12.00	All	---	-do-	-do-	-do-	
28. Fibre hard-board	IS : 1658 1977	-do-	5.00	All	---	3414	1987-12-12	-do-	1987-11-18

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
29.	Cotton spindle tape	IS : 1718—1970	One roll of 100 metres	0.10	All	—	2988 1984-08-28	1984-09-22	1989-04-01
30.	Sanitary iron spigot and socket, pipes, fittings.	IS : 1719—1979	One Tonne	5.00	All	—	3414 1987-11-18	1987-12-02	1989-08-01
31.	Cotton bails for use in cotton looms.	IS : 1739—1978	100 Sets	5.00	All	—	2405 1984-06-29	1984-07-28	1989-04-01
32.	Plain hard drawn steel cold drawn stress relieved wire.	IS : 1785(Pt-I)—1983	One Tonne	6.00	All	—	2507 1984-06-20	1986-07-12	1989-09-01
33.	Plain hard drawn steel as-drawn wire	IS : 1785(Pt-II)—1983	-do-	6.00	All	f	—	-do-	-do-
34.	Malted milk foods.	IS : 1803—1975	-do-	20.00	All	—	1015 1988-01-20	1988-04-02	1989-05-01
35.	Aluminium alloy milk cans.	IS : 1835—1983	One Can	1.00	All	—	3324 1986-08-29	1986-09-27	1989-07-01
36.	Plastic thermoset seats and covers for water closets.	IS : 2548(Pt-I)—1983	One Seat and cover	0.50	All	—	2507 1986-06-20	1986-07-12	1989-08-01
37.	Plastic thermoplastic seats and covers for water closets.	IS : 2543(Pt-II)—1983	-do-	0.50	All	—	-do-	-do-	-do-
38.	Vitreous sanitary appliances (vitreous china)	IS : 2556(Pt-I)—74 IS : 2556(Pt-II)—81 IS : 2556(Pt-III)—81 IS : 2556(Pt-IV)—72 IS : 2556(Pt-V)—79 IS : 2556(Pt-VI/Sec-1)—79 IS : 2556(Pt-VI/Sec-2)—74 IS : 2556(Pt-VI/Sec-3)—74 IS : 2556(Pt-VI/Sec-4)—74 IS : 2556(Pt-VI/Sec-5)—74 IS : 2556(Pt-VI/Sec-6)—74 IS : 2556(Pt-VII)—73 IS : 2556(Pt-VIII)—85 IS : 2556(Pt-IX)—79 IS : 2556(Pt-X)—74 IS : 2556(Pt-XI)—79 IS : 2556(Pt-XII)—73 IS : 2556(Pt-XIII)—73 IS : 2556(Pt-XIV)—74 IS : 2556(Pt-XV)—74	One Tonne	5.00	All	—	1275— 1984-04-12	1984-04-11	1989-08-01
39.	Integral cement water proofing compound.	IS : 2645—1975	One Tonne	6.00	All	—	3414 1987-11-18	1987-12-12	1989-08-01
40.	Ammonium bromide, pure	IS : 2723—1985	-do-	25.00	All	—	220 1983-12-27	1984-01-21	-do-
41.	Natural cheese (hard variety) processed cheese, processed cheese spread and soft cheese.	IS : 2785—1979	-do-	10.00	All	—	1998 1984-05-30	1984-05-23	1989-07-01
42.	Potassium bromide	IS : 2797—1982	-do-	25.00	All	—	220 1983-12-27	1984-01-21	1989-08-01

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
43.	Soluble coffee-chicory powder.	IS : 3309 - 1975	One Kg.	0 20 First 50000 0 10 Remaining	—	2405	1984 07-28 1987-07-01 1984-06-29		
44.	Sphygmomanometers mercurial type.	IS : 3390 - 1977	One Sphygmo- mometers.	2 00 All	—	4199	1983-11-19 1989 05 01 1983-10-26		
45.	Specific requirements for warp tubes for ring spinning and doubling spindles.	IS : 3625(Pt-I) - 83	One Tonne	25 00 All	—	2405	1984-07-28 1989-04-01 1984-06-29		
46.	Refills for vacuum flasks	IS : 3702 - 1975	1000 Refills	10.00 All	—	2236	1984-07-14 1989-07-01 1984-06-18		
47.	Composite bottom stainless steel casting utensils copper electro-deposited.	IS : 4536(Pt-I) - 1968	One piece	0.30 All	—	4199	1983-11-19 1989-05-01 1983-10-26		
48.	Egg. powder.	IS : 4723--1978	One Kg.	0 40 All	—	2405	1984-07-28 1989-07-01 1984-06-29		
49.	Unlined flax canvas hose for fire fighting	IS: 4927--1968	100 Metre	5.00 All	—	1015	1988-4-02 1989-08-01 1988-01-20		
50.	Welded steel wire fabric for general use.	IS: 4948--1974	One Tonne	10 00 All	—	2507	1986-07-12 1989-08-01 1986-06-20		
51.	Polypropylene ropes (3 strand hawser laid and 8 strand plaited)	IS : 5175 - 1982	-do-	25.00 First 15.00 500 Remaining	—	2887	1986-08-16 1989-04-01 1986-07-25		
52.	Swing check type reflux valve single-door pattern	IS : 5312 (Pt-I) --1984	One Valve	1 00 All	—	2507	1986-07-12 1989-08-01 1986-06-20		
53.	Rubber seating rings for gas mains, water mains & sewers.	IS : 5382 - 1985	One Piece	0.15 First 0.10 100000 Remaining	—	1150	1986-03-22 1989-04-01 1986-02-21		
54.	Apparatus used in le-chatelier test	IS : 5514 - 1969	-do-	0.50 All	—	2507	1986-07-12 1989-09-01 1986-06-20		
55.	Indented wire for prestressed concrete	IS : 6003--1983	One Tonne	6.00 All	—	2507	1986-07-12 1989-09-01 1986-06-20		
56.	Manual blow pipes	IS : 7653--1975	One Piece	1.00 All	—	1500	1981-05-16 1989-04-01 1981-04-24		
57.	Vacuum flasks	IS : 7708--1975	10 Flasks	3 00 All	—	2236	1984-07-14 1989-07-01 1984-06-18		
58.	Controlled percolating hose for fire fighting.	IS : 8423--1977	100 Metres.	5.00 All	—	1998	1984-06-23 1989-08-01 1984-05-30		
59.	Cast iron detachable joints for use with asbestos cement pressure pipes.	IS : 8794 --1978	One Tonne	7.50 All	—	3414	1987-12-12 1989-08-01 1987-11-18		
60.	Lubricants for rope dressing in service.	IS : 9182(Pt-3)--1979	-do-	15.00 All	—	4199	1983-11-19 1989-07-01 1989-01-26		
61.	High density polyethylene (HDPE) woven sacks for packing fertilizers	IS : 9755--1985	100 Bags	1.50 All	—	550	1987-02-28 1989-04-01 1987-01-28		
62.	Portable methanometer (electrical type).	IS : 9937--1981	One Piece	8.00 All	—	1026	1988-04-02 1989-07-01 1988-02-16		

नई दिल्ली, 10 जनवरी, 1990

का.प्र. 420 :- भारतीय मानक ब्यूरो विनियम 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सीएम/एल 1961970 जिनके विवरण नीचे दिए गए हैं, जो फर्मे द्वारा लाइसेंस जारी न रखने के अनुरोध के कारण अनुसूची में प्रत्येक लाइसेंस के सामने भी गई तिथियों से रद्द कर दिए गए हैं।

अनुसूची

क्रम सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अन्तर्गत वस्तु/प्रकार	सम्बद्ध भारतीय मानक	रद्द करने की तारीख
(1)	(2)	(3)	(4)	(5)	
1.	सीएम/एल-1961970	मै. प्रमोद फूड्स प्रा. लि. नं. 109, पंथारापालय, मंसूर रोड बंगलूर-560039	बिस्किट-किरमें-मूकोश, कोकोबी, ओरेंज चोम, मिल्क बिकिट्स	IS:1011-1981	1989-04-01

[संख्या सीएम/55 : 1961970]

New Delhi, the 10th January, 1990

S.O.420: -In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Verification) Regulation 1988, the Bureau of Indian Standards hereby certify that the licence particulars of which are given below have been cancelled with effect from the date indicated.

SCHEDULE

Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standard covered by the licence Cancelled	Date of Cancellation
CM/L-1961970	M/s Pramod Foods Pvt Ltd., No. 109, Pantharapalya, Mysore Road, Bangalore-560039	Biscuits—Varieties—Glucose, Cocobi, Orange Cream, Milk Bikits—IS:1011-1981	1989-04-01

[No. CMD/55 : 1961970]

नई दिल्ली 16 जनवरी, 1990

का.प्र. 421 :- भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम 9 के अनुसरण में यह अधिसूचित किया जाता है कि पहले भारत के राजपत्र के भाग 2, खंड 3, उपखंड (ii) में अधिसूचित मूद्रांकन ग्लूक जो इस अनुसूची के स्तम्भ 7 अथवा 8 में उसी अनुसूची के स्तम्भ 2 व 3 के अंतर्गत विज्ञापित उद्योगों के संबंध में इसी के स्तम्भ 4, 5, 6 में बताए गए अनुसार संशोधित किया गया है। मूद्रांकन ग्लूक का संशोधित दरें उनमें से प्रत्येक के सामने दर्शायी गई तिथियों से लागू होगी :

अनुसूची

क्रम सं.	उत्पाद	वर्ष तथा संख्या	इकाई	मुद्रांकन ग्लूक दर प्रति इकाई इकाई के लिए	संदर्भ भारत के राजपत्र की अधिसूचना अधिक्रमित का. प्र. मांशिक रूप से सं. तथा दि. सं तथा दि.	भारत के राजपत्र के जारी होने की तारीख	प्रभावी होने की तारीख		
1	2	3	4	5	6	7	8	9	10
1.	स्टैम्प पैड की स्पाही	IS:393-1985	एक किग्रा.	0.10	सभी	---	4199 1983-10-26	1983-11-19	1989-09-01
2	हॉकी की बॉल	IS:416-1983	एक तग	0.05	सभी	---	2365 1983-04-28	1983-05-28	1990-01-01
3	गम स्ट्रिट	IS:553-1973	1000 लिटर	10.00	सभी	---	4199 1983-10-26	1983-11-19	1989-09-01

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
4. नैफथलीन	IS:539-1974	100 किग्रा.	10.00 समी	---	---	---	220 1983-12-27	1983-11-21	1989-09-01
5. जिक क्लोराइड	IS:701-1966	एक टन	50.00 समी	---	---	---	4199 1983-10-26	1983-11-19	1989-07-01
6. कार्बन ट्रेहाक्लोराइड	IS:718-1977	एक टन	12.00 समी	---	---	---	प्रयोगपरि- प्रयोगपरि-	---	1989-12-01
7. जलकल प्रयोजनों के लिए ताँबा मिश्र धातु के गेट, ग्लोब और चैक वाल्व	IS:778-1984	एक नमूना	0.30 पहली 20000 0.20 शेष	---	---	---	2108 1983-04-14	1983-05-14	1989-09-01
8. जल कल प्रयोजनों के लिए स्लम वाल्व	IS:780-1984	वही	2.00 समी	---	---	वही-	वही-	---	1989-08-01
9. काँच दूध की बोतल	IS:1392-1983	100 बोतलें	0.20 पहली 5000 0.20 शेष	---	---	वही-	वही-	---	1989-09-01
10. मिमार्ड का सूती धागा	IS:1720-1978	100 किग्रा.	2.50 समी	---	---	---	2366 1983-04-28	1983-05-28	1989-12-01
11. बीडिया	IS:1925-1974	एक कार्टन (40 x 500 बीडिया)	1.00 समी	---	---	---	2108 1983-04-14	1983-05-14	1989-09-01
12. ट्रेसिंग कपड़ा	IS:2037-1986	100 वर्गमी.	2.00 समी	---	---	---	4199 1983-10-26	1983-11-19	1989-12-01
13. पकवानों के ड्रेड बीबीन	IS:2142-1974	एक टन	25.00 समी	---	---	---	220 1983-12-27	1984-01-21	1989-08-01
14. बेकर्म	IS:2397-1972	100 किग्रा.	5.00 समी	---	---	---	2108 1983-04-14	1983-05-14	1989-11-01
15. सामान्य प्रयोजन के लिए काँच के तापमापी टोम इंडो वाले ताप-मापी	IS:2480 (भाग 1) 1983	एक तापमापी	0.05 समी	---	---	---	220 1983-12-27	1984-01-21	1989-07-01
16. शुद्ध, सांद्र प्रयोगात्मक	IS:2780-1964	एक टन	25.00 समी	---	---	---	220 1983-12-27	1984-01-21	1989-08-01
17. तहल्ले का साबून	IS:2888-1983	एक टन	3.00 समी	---	---	---	4199 1983-10-26	1983-11-19	1989-07-01
18. जल कार्यों के लिए स्लम शिखर	IS:2906-1984	एक शिखर	8.00 समी (350 से 600 मि.मी. 16.00 (700 मि.मी. और अधिक)	---	---	---	2108 1983-04-14	1983-05-14	1989-08-01
19. मेक्चोल	IS:3134-1965	एक किग्रा.	0.40 समी	---	---	1560 1983-02-25	---	1983-03-19	1989-12-01
20. मरक कंटैनि	IS:32-28-1986	वही	0.70 समी	---	---	---	220 1983-12-27	1984-01-21	1989-12-01
21. पेट्रोल कार्मिल्लीहाइड संयोजन सामग्री	IS:3389-1965	एक टन	12.50 समी	---	---	---	4199 1983-10-26	1983-11-19	1989-07-01

1	2	3	4	5	6	7	8	9	10
22. जल चपण एवं विकास के लिए रबड़ के हौज, हैवी ड्यूटी	IS : 3549-1983	100 मीटर	10.00	सभी	---	3698 1983-09-13	1983-10-01	1989-06-01	
23. कपूर	IS : 3584 1984	एक किग्रा.	0.05	पहली	500000	---	4199 1983-10-26	1983-11-19	1989-12-01
24. मैलामाइनफार्मलडी- हाइड संचकन सामग्री	IS : 3669-1966	एक टन	30.00	सभी	---	वर्धा-	वर्धा-	1989-06-01	
25. त्वचा पाउडर	IS : 3959-1978	100 किग्रा.	10.00	सभी	---	वर्धा-	वर्धा-	1989-09-01	
26. टाइपराइटर के सूती रिबन	IS : 4174-1977	100 स्क्व.	1.00	सभी	---	वर्धा-	वर्धा-	वर्धा-	
27. फेंकने वाला गोला	IS : 4386-1988	एक तग	0.15	सभी	---	3698 1983-09-13	1983-10-01	1990-01-01	
28. विस्फोटकों एवं आति- शबाजी के लिए बेरियम- नाइट्रेट	IS : 4396-1981	एक टन	15.00	सभी	---	220 1983-12-27	1984-01-21	1989-09-01	
29. फ़टवियर उद्योग के लिए रबड़ आधारित स्थायी आसंजक	IS : 4663-1968	100 लिटर	5.00	सभी	---	4199 1983-10-26	1983-11-19	1989-12-01	
30. उद्योग में सुरक्षा के लिए रबड़ के घटनों तक के बूट	IS : 5557-1969	एक जोड़ा	0.15	सभी	---	4199 1983-10-26	1983-11-19	1989-09-01	
31. मोन्दर्व प्रसाधन उद्योग के लिए खनिज तेल	IS : 7299-1974	एक किग्रा.	10.00	सभी	---	3547 1983-08-30	1983-09-17	1989-12-01	
32. क्लोरीन की गोलियां	IS : 9825-1981	1000 गोलियां	0.30	सभी	1560 1983-02-25	---	1983-03-19	1989-06-01	

[संख्या सी एम डी/13/10]

New Delhi, 16 January, 1990

S. O. 421 :—The Bureau of Indian Standards, hereby rotifies that the marking fees as notified earlier in Part-II, Section-3, Sub-Section (ii) of the Gazette of India, shown in Vol. 7 or 8 of the Schedule given hereunder, in respect of the various, products shown under Vol. 2 and 3 of the same Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof.

SCHEDULE

Sl. Product No.	IS: No. & Year	Unit	Marking Fee Rate		Reference of Govt. of India, Gazette Notification		Date of Issue of Gazette of India	Date of Effect	
			Per Unit Rs. P.	For Unit	Superseded S.O. No. and Date	Partially Modified S.O. No. and Date			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1. Ink, stamp pad	IS:393 - 1985	One Kg.	0.10	All	..	4199 1983-10-26	1983-11-19	1989-09-01	
2. Hockey balls	IS : 416 - 1983	One Piece	0.05	All	..	2365 1983-04-28	1983-05-28	1990-01-01	
3. Gum spirit of	IS : 533 - 1973	1000 litres	10.00	All	..	4199 1983-10-26	1983-11-19	1989-09-01	
4. Nephthalene	IS : 539 - 1974	100 Kg.	10.00	All	120	220 1983-12-27	1984-01-21	1989-09-01	
5. Zinc chloride	IS : 701 - 1966	One Tonne	50.00	All	..	4199 1983-10-26	1983-11-19	1989-07-01	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
6.	Carbon tetrachloride	IS : 718—1977	One Tonne	12.00	All	..	4199 1983-10-26	1983-11-19	1989-12-01
7.	Copper alloy gate, globe and check valves for water works purposes	IS : 773—1984	One Piece	0.30 0.20	First 20000	..	2108 1983-04-14	1983-05-14	1989-09-01
8.	Sluice valves for water works purposes	IS : 789—1984	-do-	2.00	All	..	-do-	-do-	1989-08-01
9.	Glass milk bottles	IS : 1392—1983	100 Bottles	0.20 0.10	First 5000	..	-do-	-do-	1989-09-01
10.	Cotton sewing threads	IS : 1720—1978	100 Kg.	2.50	All	..	2366 1983-04-28	1983-05-28	1989-12-01
11.	Bidies	IS : 1925—1974	One Ca. (40 x 500 Bidies)	1.00	All	..	2108 1983-04-14	1983-05-14	1989-09-01
12.	Tanning Cloth	IS : 2037—1986	100 Sq. m. etc	2.00	All	..	4199 1983-10-26	1983-11-19	1989-12-01
13.	Bronze technical	IS : 2142—1974	One Tonne	25.00	All	..	220 1983-12-27	1984-01-21	1989-08-01
14.	Wafers	IS : 2397—1972	100 Kg.	5.00	All	..	2108 1983-04-14	1983-05-14	1989-11-01
15.	General purpose glass thermone or solid stem thermometers	IS : 2480 (P-I) — 1983	One thermomometer	0.05	All	..	220 1983-12-27	1984-01-21	1989-07-01
16.	Sodium bromide, pure	IS : 2780—1964	One Tonne	25.00	All	..	220 1983-12-27	1984-01-21	1989-08-01
17.	Toilet soaps	IS : 2888—1983	-do-	3.00	All	..	4199 1983-10-26	1983-11-19	1989-07-01
18.	Sluice valves for water-works purposes	IS : 2906—1984	One valve	8.00 (1359 to 690 mm) 16.00 (1700 mm and above)	All	..	2108 1983-04-14	1983-05-14	1989-08-01
19.	Menthol	IS : 3134—1965	One Kg.	0.40	All	..	1560 1983-02-25	1983-03-19	1989-12-01
20.	Musk ketone	IS : 3228—1986	-do-	0.70	All	..	220 1983-12-27	1984-01-21	1989-12-01
21.	Urea-formaldehyde moulding materials	IS : 3389—1965	One Tonne	12.50	All	..	4199 1983-10-26	1983-11-19	1989-07-01
22.	Water suction and discharge hose of rubber, heavy duty	IS : 3549—1983	100 Metres	10.00	All	..	3698 1983-09-13	1983-10-01	1989-06-01
23.	Camphor	IS : 3584—1984	One Kg.	0.05 0.02	First 500000	..	4199 1983-10-26	1983-11-19	1989-12-01
24.	Melamine formaldehyde moulding materials	IS : 3669—1966	One Tonne	30.00	All	..	4199 1983-10-26	1983-11-19	1989-06-01
25.	Skin powders	IS : 3959—1978	100 Kg	10.00	All	..	-do-	-do-	1989-09-01
26.	Typewriter ribbon, cotton	IS : 4174—1977	100 Spools	1.00	All	..	-do-	-do-	-do-
27.	Putting shot	IS : 4386—1988	One Piece	0.15	All	..	3698 1983-09-13	1983-10-01	1990-01-01
28.	Barium nitrate for explosive and pyrotechnic compositions	IS : 4396—1981	One Tonne	15.00	All	..	220 1983-12-27	1984-01-21	1989-09-01

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
29. Permanent rubber - based adhesive for footwear industry	IS : 4663 -1968	100 Litres	5.00	All	..	4199	1983-11-19	1989-12-01	
30. Industrial safety rubber knot boot	IS : 5557 -1969	One Pair	0.15	All	..	4199	1983-10-26	1989-09-01	
31. Mineral oil for cosmetic industry	IS : 7299 -1974	One KL	40.00	All	..	3547	1983-08-30	1989-12-01	
32. Chlorine tablets	IS : 9825 -1981	1000 Tablets	0.30	All	..	1560	1983-03-19	1989-06-01	

[No. CMD/13-10]

का.आ. 422 :- भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम 9 के अनुसूची में यह अधिसूचित किया जाता है कि पहले भारत के राजपत्र के भाग 2, खंड 3, उपखंड (ii) में अधिसूचित मूद्रांकन शुल्क जो इस अनुसूची के स्तम्भ 7 अथवा 8 में इसी अनुसूची के स्तम्भ 2 व 3 के अंतर्गत दिखाए विभिन्न उत्पादों के संबंध में इसी के स्तम्भ 4, 5 व 6 में बताए गए अनुसार संशोधित किया गया है। मूद्रांकन शुल्क की संशोधित दरें उत्तम में प्रत्येक के सामने दर्शाई गई विधियों में लागू होंगी।

अनुसूची

क्र.सं.	उत्पाद	IS संख्या तथा वर्ष	इकाई	मूद्रांकन शुल्क दर		संदर्भ भारत के राजपत्र की अधिसूचना	भारत के राजपत्र के अधिसूचना की दिनांक	प्रभावी तारीख	की
				प्रति इकाई	इकाई के लिए	अधिकतम का.आ.सं. तथा दि.	तारीख		
1	2	3	4	5	6	7	8	9	10
1	साधारण एवं निम्न श्रेणी पोर्टलैंड सीमेंट	IS : 269-1976	एक टन	0.40	सभी	1150 1986-02-21	---	1986-03-22	1988-07-01
2	पोर्टलैंड पोझोलाना सीमेंट	IS : 1489-1976	एक टन	0.40	सभी	1150 1986-02-21	---	1988-03-22	1988-07-01
3	धीमे जमने वाला सीमेंट	IS : 8041-1978	एक टन	0.40	सभी	1007 1988-02-09	---	1988-04-20	1988-07-01
4	सफेद सीमेंट	IS : 8042-1978	एक टन	0.40	सभी	2540 1987-08-25	---	1987-09-19	1988-07-01

[संख्या सी.एम.डी/13-10]

S.O. 422 :- The Bureau of Indian Standards, hereby, notifies the marking fees pertaining to various products referred to in Col. 2 and 3 of the following Schedule have been revised as mentioned in Col. 4, 5 and 6 thereof. The revised rate of marking fees shall come into force with effect from 1988-07-01 :

THE SCHEDULE







Sl. No.	Product	IS : No	Unit	Marking Fee Rate	Reference to Govt. of India Gazette Notification, Part-II, Section-3, Sub-section (ii)	Partially modified S.O. N.	Date of Issue
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Ordinary and low heat portland cement	IS : 269 -1976	One Tonne	0.40 All	1150 1986-02-21		1986-03-22
2.	Portland pozzolana cement	IS : 1489-1976	One Tonne	0.40 All	1150 1986-02-21		1986-03-22
3.	Rapid hardening portland	IS : 8041 -1978	One Tonne	0.40 All	1007 1988-02-09		1988-04-20
4.	White portland Cement	IS : 8042-1978	One Tonne	0.40 All	2540 1987-08-25		1987-09-19

[No. CMD/13 : 10]

नई दिल्ली, 18 जनवरी, 1990

का.आ. 423 :- भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम 1 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए भारतीय मानकों की मानक मुहरों के डिजाइन निर्धारित कर दिए गए हैं :

अनुसूची:







क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद श्रेणी	सम्बद्ध भारतीय मानक की संख्या और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		वेल्डिंग के लिए रबर के होज	IS 447-1980	1987-11-01
2.		धातु के परावर्तकों सहित आद्योगिक प्रदीपिका	IS 4747-1986	1987-03-16
3.		फ्लड लाइट	IS 1947-1980	1987-03-16
4.		रबर की मुहर के लिए पैड	IS 4747-1986	1987-05-16
5.		अश्रक रोधित ताम्रन एलामेंट	IS 6446-1972	1980-12-16
6.		इस्पात लोहे के रोल	IS 6629-1972	1986-07-06

[संख्या सी एम डी/13:9]

New Delhi, the 18th January, 1990

S.O. 423 :- In pursuance of Sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the schedule:

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product Class of Product	No. and year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Rubber hose for welding	IS : 447-1980	1987-11-01
2.		Industrial luminaire with metal reflectors	IS : 4747-1986	1987-03-16
3.		Flood Light	IS : 1947-1980	1987-03-16
4.		Pads for rubber stamps	IS : 4747-1986	1987-05-16
5.		MICA insulated heating element	IS : 6446-1972	1980-12-16
6.		Cast iron rolls	IS : 6629-1972	1986-07-16

[No. CMD/13:9]

का.मा. 424 :— भारतीय मानक ब्यूरो विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित किया जाता है कि निम्न विभिन्न उत्पादों का विवरण नीचे अनुसूची में दिया गया है उनकी प्रति इकाई मुहर लगाने की फीस निर्धारित कर दी गई है और यह फीस उनके सामने दी गई तिथि से लागू होगी।

अनुसूची

क्रम सं.	उत्पाद/उत्पाद की श्रेणी	सम्बन्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	बेल्डिंग के लिए रबर होज	IS:447-1980	एक मीटर	(1) रु. 5.00 प्रति इकाई पहली 500 इकाइयों के लिए, और (2) रु. 3.00 प्रति इकाई 501वीं इकाई और अधिक के लिए टिप्पणी: मुहरांकन शुल्क की दर में निम्न परिवर्तन किया है जो दिनांक 1989-03-01 से लागू होगा रु. 10.00 प्रति इकाई (इकाई = 100 मीटर)	1987-11-01
2.	धातु परावर्तकों वाली औद्योगिक प्रदीप्तियां	IS : 1777-1978	एक नग	रु. 2.00	1987-03-16
3.	फ्लड लाइट	IS:1947-1980	एक बल्ब	रु. 2.00	1987-03-16
4.	रबर मुहर का पैड	IS:4747-1986	मुहर लगाने का एक पैड एक पैसा		1987-05-16
5.	अन्नक रोधित तापन एलमेंट	IS:6446-1972	एक नग	3 पैसा टिप्पणी: मुहरांकन शुल्क की दर में निम्न परिवर्तन किया गया है जो दिनांक 1989-12-03 से लागू होगा : (इकाई = 100 नग)	1980-12-16
6.	ढलवां लोहे के रोल	IS : 6629-1972	एक टन	रु. 30.00	1986-07-16

[संख्या सं: एम डी/13/10]

एम.सूब्रह्मण्यन, अपर महानिदेशक

S.O. 474 :—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies the marking fee(s) for the products given in the schedule :

SCHEDULE

Sl. No.	Product/Class of Product	No. and year of Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Rubber hose for welding	IS : 447—1980	One Meter	(i) Rs. 5.00 per unit for the first 500 units, and (ii) Rs. 3.00 per unit for the 501st unit and above Note : Rate of Marking Fee has since been revised as under with effect from 1989-06-01: Rs. 10.00 per unit (Unit = 100 Meters)	1987-11-01
2.	Industrial luminaire with metal reflectors	IS : 1777—1978	One Piece	Rs. 2.00	1987-03-16
3.	Flood light	IS : 1947—1980	One light	Rs. 2.00	1987-03-16
4.	Pads for rubber stamps	IS : 4747—1986	One Stampad	One Paisa	1987-05-16
5.	MICA insulated heating element	IS : 6446—1986	One Piece	3 Paisa Note : Rate of Marking Fee has since been revised as under with effect from 1989-12-01 : Rs. 1.00 per unit (Unit = 100 Pieces)	1980-12-16
6.	Cast iron rolls	IS : 6629—1972	One Tonne	Rs. 30.00	1986-07-16

[No. CMD/13 : 10]

S. SUBRAHMANYAN, Add. Director General

स्वास्थ्य और परिवार कल्याण मंत्रालय

MINISTRY OF HEALTH AND FAMILY WELFARE

(स्वास्थ्य विभाग)

(Deptt. of Health)

नई दिल्ली, 18 जनवरी, 1990

New Delhi, the 18th January, 1990

का० आ० 425.—भारतीय उपचर्या परिषद् अधिनियम, 1947 (1947 का 48) की धारा 3 की उपधारा (1) के अनुसरण से निम्नलिखित व्यक्तियों को प्रत्येक के नाम के प्राग्वीक तारीखों से भारतीय उपचर्या परिषद् के सदस्यों के रूप में नियुक्ति किया गया है :—

सदस्यो या शिखरण	निर्वाचन की तारीख
1. प्रो० सी० चन्द्रकान्ति राजकान्ति, नयरंगम-2, मेडिकल कॉलेज, त्रिवेन्द्रम (केरल)।	4-8-1989
2. श्रीमती बी० भट्टाचार्य, प्रिंसिपल, आर० ए० के० कॉलेज आफ नर्सिंग, नई दिल्ली।	7-11-1989
3. डा० (श्रीमती) नैना एस. पोतदार, प्रिंसिपल, एल० टी० कॉलेज आफ नर्सिंग, एस. एन. डी. बुनेन्स यूनिवर्सिटी, बम्बई।	7-11-1989
4. कु० दुर्गा जे० मेहता अध्यक्ष, भारतीय प्रशिक्षित नर्स एसोसिएशन, एल-17, ग्रीन पार्क, नई दिल्ली-110016	26-10-1989

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण से, केन्द्रीय सरकार एतद्वारा भारत सरकार, स्वास्थ्य मंत्रालय की अधिसूचना साका.नि. संख्या 1147, दिनांक 1 दिसम्बर, 1958 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना से—

(i) शीर्षक "धारा 3 की उपधारा (1) के खंड (क) के अर्थात् निर्वाचित" के अंतर्गत क्रम संख्या 3 और उक्त संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"3. प्रो० सी० चन्द्रकान्ति
राजकान्ति, नयरंगम-2,
मेडिकल कॉलेज, त्रिवेन्द्रम, केरल।

(ii) शीर्षक "धारा 3 की उपधारा (1) के खंड (ख) के अर्थात् निर्वाचित" के अंतर्गत क्रम संख्या 1 और 2 तथा उक्त संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

1. श्रीमती बी० भट्टाचार्य,
प्रिंसिपल, आर० ए० के० कॉलेज,
आफ नर्सिंग, नई दिल्ली। 7-11-1989

2. डा. (श्रीमती) नैना एस० पोतदार,
प्रिंसिपल, एल. टी. कॉलेज आफ नर्सिंग, एस. एन.
डी. टी. बुनेन्स यूनिवर्सिटी, बम्बई। 7-11-1989

(iii) शीर्षक "धारा 3 की उपधारा (1) के खंड (घ) के अर्थात् निर्वाचित" के अंतर्गत विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टिया रखी जाएंगी, अर्थात् :

"कुमारी दुर्गा जे० मेहता 26-10-1989"
अध्यक्ष, भारतीय प्रशिक्षित नर्स एसोसिएशन,
एल-17, ग्रीन पार्क, नई दिल्ली-110016

[संख्या बी० 14013/1/89 ग एम एम]

आर० आनंदरामन, आर० नरसिम्हा

S. O. 425:—Whereas in pursuance of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947), the following persons have been elected to be the members of the Indian Nursing Council with effect from the date shown against each, namely :—

Particulars of members	Date of election
1. Prof. C. Chandrakanthi, Rajakanthi, Navarangam-2, Medical College, Trivandrum (Kerala)	4-8-1989
2. Mrs. B. Bhattacharya, Principal, R.A.K. College of Nursing, New Delhi.	7-11-1989
3. Dr. (Mrs.) Naina S. Potdar, Principal, L.T. College of Nursing, SNDM Women's University, Bombay.	7-11-1989
4. Miss Durga J. Mehta, President, Trained Nurses Association of India, L-17, Green Park, New Delhi-110016.	26-10-1989

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Health GSR No. 1147, dated the 1st December, 1958, namely :—

In the said notification,—

(i) Under the heading "Elected under clause (a) of sub-section (1) of section 3", for serial number 3 and the entries relating thereto, the following shall be substituted, namely :—

"3 Prof C Chandrakanthi, 4-8-1989";
Rajakanthi, Navarangam-2,
Medical College, Trivandrum,
Kerala.

(ii) Under the heading, "Elected under clause (b) of sub-section (1) of section 3", for serial numbers 1 and 2 and the entries relating thereto, the following shall be substituted, namely :—

"1 Mrs. B Bhattacharya, 7-11-1989
Principal, R.A.K. College
of Nursing, NEW Delhi

2 Dr (Mrs) Naina S Potdar, 7-11-1989";
Principal, L T College of
Nursing, SNDT Women's
University, Bombay

(iii) under the heading, "Elected under clause (f) of sub-section (1) of section 3" for the existing entries, the following shall be substituted, namely :—

"Miss Durga J Mehta, 26-10-1989"
President, Trained Nurses
Association of India, L-17,
Green Park, New Delhi-110016.

[No. V. 14013/1/89-PMS]

R. SRINIVASAN Under Secy.

कल्याण मंत्रालय

नई दिल्ली, 24 जनवरी, 1990

का. आ. 426—केन्द्रीय सरकार दुरगाह खाजा साहेब अधिनियम, 1955 (1955 का 36) की धारा 9 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए दुरगाह मविधि अजमेर परामर्श से लैफ्टीनेंट कर्नल मुहम्मद उस्मान (सेवा निवृत्त) को 2 फरवरी 1990 में तीन मास का और अवधि के लिए दुरगाह खाजा साहेब का नाज़िम नियुक्त करती है।

[नं. 11(11)/89-वक्फ]

एम. टी. अहमद, उपायुक्त

MINISTRY OF WELFARE

New Delhi, the 24th January, 1990

S.O. 426.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Durgah Khawaja Saheb Act, 1955 (36 of 1955), the Central Government, in consultation with the Durgah Committee, Ajmer, hereby appoints Lt. Col. Mohd. Usman (Retd.) as Nazim of the Durgah Khawaja Saheb, Ajmer, for a further period of three months on and from 2nd day of February, 1990.

[No. 11(11)/89-Wakf]

S. T. AHMAD, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 19 जनवरी, 1990

का० आ० 427—चलचित्र (प्रमाणन) नियम, 1952 के नियम 3 (2) के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, प्रो० एम० बी० वनामाली को दिनांक 23-1-1990 में अगला आवेदन जारी होने तक, अर्थात् जब तक निम्नलिखित अवधि का नियुक्ति नहीं हो जाती, अवकाश अवकाश कोई और चलचित्र प्रदर्शित नहीं कर दिया जाता, इनमें से जो भी पहले हो, अवकाशिक है। नियम से केन्द्रीय फिल्म प्रमाणन बोर्ड का अध्वश नियुक्त करता है।

[फाइल संख्या 814/1/90 एफ. नं.]

एम. लक्ष्मीनारायणन, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 19th January, 1990

S.O. 427.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3(2) of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Prof. M. B. Vanamali to act as Chairman of the Central Board of Film Certification in an honorary capacity with effect from 23-1-1990 until further orders i.e. till a regular Chairman is appointed or till other alternative arrangements are made, whichever is earlier.

[File No. 814/1/90-FC]

S. LAKSHMI NARAYANAN, Jt. Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

एडि-पत्र

नई दिल्ली, 18 जनवरी, 1990

का. आ. 428—विज्ञान और प्रौद्योगिकी मंत्रालय (विज्ञान और प्रौद्योगिकी विभाग) में भारत सरकार की अधिवृत्त का. आ. सं. 1-99 दिनांक 17 अगस्त, 1987 में और भारत के राजपत्र—भाग 2 खंड (-) में दिनांक 19 अगस्त, 1987 का पृष्ठ सं. 2884 में 2890 में प्रकाशित—

(1) पृष्ठ 2884 पर,

तीसरी पंक्ति में "भारतीय सर्वेक्षण नियम" को "भारतीय सर्वेक्षण संवर्धन नियम" पढ़ा जाए।

(2) पृष्ठ 2885 पर,

पंक्ति 3 में श्रवण (1) में आ. नि. 317—का. ज.-2 नियम में "न. नि. क. ज. 3" अंकों व एडि-पत्र के को "अ. नि.-317 क. ज. 3" पढ़ा जाए।

(3) पृष्ठ 2886 पर,

(क) अ. नि. 317-क. ज.-5 की पंक्ति 5 में "14" को "15" पढ़ा जाए।

(ख) अ. नि. 317-क. ज.-6 की पंक्ति में 4 में "अधिमोचन कर रहा है" को "अधिमोचन किया हुआ है" पढ़ा जाए।

(ग) अ. नि. 317-क. ज.-6(3) की पंक्ति 3 व 4 में "देखना के लिए और को 'और देखना के लिये'" पढ़ा जाए।

(घ) अ. नि. 317-क. ज.-7 नियम के उप नियम 1 में पंक्ति 1 में "सरकार" को "सरकारी कर्मचारी" पढ़ा जाए।

[का. सं. 1-9-11/83-एस एम पी]

योरुद्ध कृष्ण, डैस्क अधिकारी

MINISTRY OF SCIENCE & TECHNOLOGY

(Department of Science & Technology)

CORRIGENDUM

New Delhi the 18th January, 1990

S.O. 428.—In the Notification of the Government of India in the Ministry of Science & Technology (Department of Science and Technology) S.O. No. 2299 dated 17th August, 1987 and published at pages No. 2884 to 2890 of the Gazette of India—Part II Section (ii) dated 29th August, 1987 :

(1) at page 2884

in the 3rd line for "Survey of India Rules", read "Survey of India Estate Rules"

(2) at page 2885,

in rule S.R. 317-AH-2 in clause (i) in line 3, for the figure and words, "S.R. AH-3", read, "S.R. 317-AH-3"

(3) at page 2886,

(a) in rule 5 of S.R. 317-AH-5 for "14" read "15"

(b) in line 4 of S.R. 317-AH-6 for "occupying it" read "occupied it"

(c) in line 3 and 4 of S.R. 317-AH-6(3), for "for the maintenance and" read "and maintenance for the"
(d) in sub-rule (2) to rule E.R. 317-AH-7, in line 1, for the word "the Government" read "the Government servant"

[F. No. 29-41/83-SMP]
VIRENDRA KAPUR, Desk Officer

पर्यटन विभाग

नई दिल्ली, 3 जनवरी, 1990

का. भा. 429---केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए, प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में भारत पर्यटन विकास निगम लिमिटेड के निम्नलिखित एकक को अधिसूचित करती है जिनके कर्मचारियों ने हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है:-

1. हटल जनपथ, नई दिल्ली।

[सं. ई.-11017(1)/90-हिन्दी]

श्रीमती रेणु साहनी धर, अपर सहायक निदेशक (पर्यटन)

DEPARTMENT OF TOURISM

New Delhi, the 3rd January, 1990

S.O. 429.—In pursuance of sub-rule (4) of rule 10 of Official Language (Use for official purposes of the Union) Rules 1976 the Central Government hereby notifies the following unit of India Tourism Development Corporation Ltd. the staff whereof have acquired the working knowledge of Hindi :

1. Hotel Janpath, New Delhi.

No. E-11017(1)/90-Hindi

SMT. RENU SAHNI DHAR, Addl. Director General (Tourism)

अस मंत्रालय

नई दिल्ली 24 जनवरी, 1990

का. भा. 430---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार मैसर्स एम. जी. एम. इंडिया प्रा. लि. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिभरण, नं. 16, बम्बई के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 23-1-1990 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 24th January, 1990

S.O. 430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Messrs. S.G.S. India Private Limited and their workmen, which was received by the Central Government on 22-1-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY.

PRESIDING OFFICER : JUSTICE S.N. KHATRI
REFERENCE NO. CGIT-49 OF 1989

PARTIES :

Employer in relation to the management of M/s. S.G.S. India Pvt. Ltd.

AND

their workmen.

APPEARANCES :

For the Management:—Shri F.O. Mendes, Advocate

For the Workmen—No appearance.

INDUSTRY:—Port & Docks.

STATE:—Goa.

Bombay, dated the 17th day of January, 1990

AWARD

The Central Government has referred the following Industrial Dispute between the M/s. S.G.S. India Private Limited, Vasco-da-Gama and their workmen, to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of M/s. S.G.S. (India) Pvt. Ltd. Vasco-da-Gama in terminating the services of Sh. Solon Fernandes, Casual Sampler w.e.f. January, 1987 and not considering him for regular employment is justified? If not, what relief the said workman is entitled to?"

2. The reference was received here in November 1989. Thereafter, the matter was fixed for the statement of claim of the workman and the written Statement of the Management on as many as three dates, that is to say 7th and 22nd December, 1989, and 16-1-1990. Notice for each of these three dates is duly served on the workmen. However, they do not appear to be interested in submitting their statement of claim by appearing before the Tribunal or by post. Consequently, the management have also not filed their written statement. I do not see that any useful purpose will be served by sending any further notice to the Union of the workmen.

3. In absence of any evidence it is not possible to hold that the action of the Management is not justified. I accordingly hold that their action is not shown to be unjustified and as such the workman is not entitled to any relief. Award accordingly.

S. N. KHATRI, Presiding Officer

[No. L-36012/3/89-IR(Misc)]

S. VENUGOPALAN, Desk Officer

नई दिल्ली 24 जनवरी, 1990

का. भा. 431---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार स्टेट बैंक आफ सौराष्ट्र के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिभरण (केंद्रीय) अहमदाबाद के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 23 जनवरी, 1990 को प्राप्त हुआ था।

New Delhi, the 24th January, 1990

S.O. 431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal (CENTRAL) AHMEDABAD as shown in the Annexure in the industrial dispute between the employers in relation to the management of State bank OF SAURASHTRA and their workmen, which was received by the Central Government on 23-1-90.

ANNEXURE

BEFORE SHRI G.S. BAROT, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Reference (ITC) No. 19 of 1982

Adjudication :

BETWEEN :

State Bank of Saurashtra, Surendranagar

AND

The workmen employed under it.

In the matter of termination of service of Shri Vijubhai Rayabhai Chekhaliya, Godown Chowkidar.

APPEARANCES :

Shri M. T. Parikh, Advocate for the Bank.

Shri T. R. Mishra, Advocate for the workmen.

AWARD

This industrial dispute between State Bank of Saurashtra, Surendranagar and the workmen employed under it has been referred to me for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour's Order No. L-12012/348/81-D.II(A) dated 21st August, 1982.

2. The dispute relates to a single demand of the workmen which is as under :—

“Whether the action of the management of State Bank of Saurashtra in terminating the service of Shri Vijubhai Rayabhai Chekhaliya, Godown Chowkidar Jawahar Chowk Branch, Surendranagar with effect from 1-8-79 is justified? If not, to what relief is the workman concerned entitled?”

3. The workman concerned has filed statement of claim at Ex. 2 contending inter alia that he was appointed as sub-staff in the services of the State Bank of Saurashtra (hereinafter referred to as ‘the Bank’) in the month of March, 1979 and he resumed his duties on 5th March, 1979. He then continued to work as sub-staff and his services were then arbitrarily and abruptly terminating on 31st July, 1979 afternoon that during the tenure of his service his conduct was very good. He was not given any show cause notice or there was no reason for complaint against him; that he was requesting the management for confirmation in the service of the Bank as he had completed three month's service in the Bank as per the Awards and Settlements in vogue; that he was appointed on permanent clear vacancy; that the Bank got annoyed at his request and then terminated his services as stated above; that the action taken against him is punitive and he has been victimised with ulterior motive. He has, therefore, requested that he may be reinstated on his original post of sub-staff with full back wages and continuity of service and also the fringe benefits which were available to him.

4. On behalf of the Bank the written statement has been filed at Ex. 5 wherein the Bank has contended that the workman concerned having been appointed as a temporary workman and as the temporary work was over, his services had come to an end legally and properly. It was also stated that the workman concerned had not come with clean hands. He had suppressed certain materials facts regarding his qualifications while seeking temporary appointment. His other allegation this his services were terminated because he had requested for his confirmation was denied; that it was also denied that he was entitled to be made permanent under the provisions of the Awards and Settlements as alleged by him. The Bank also denied that the services of the workman concerned were illegally and improperly terminated. According to the Bank, the true facts are that the workman concerned was employed purely in the temporary capacity as godown chowkidar in the godown of one of the borrowers of the Bank for the period from 5-3-1979 to 31-7-1979. He used to be given appointment letters from time to time for his temporary appointment and on expiry of his contractual period he was removed from his temporary assignment. He had also not completed 240 days service in the Bank in a calendar year. It was also stated that the workman concerned while applying for the temporary post made an application dated 5-3-1979 and mentioned his educational qualifications as Standard VII. However, the Bank subsequently learnt that the workman concerned had passed F.Y.B. Com. examination in the year 1978; that as far the rules of the Bank are concerned, only non-matriculate can be employed in the said temporary

job and also in the subordinate cadre; that the applicant deliberately stated in his application the wrong qualification and also did not produce the necessary certificate. Thus the applicant had misled the Bank by suppressing the material fact about his higher qualifications and secured fraudulently the temporary employment with the Bank; that the workman concerned was not eligible for appointment in the post as per the rules and regulations of the Bank. In view of the above, it was submitted that the demand deserves to be rejected.

5. The Bank had produced at Ex. 20 the certificate showing the number of days worked by the workman concerned. The said certificate shows that the workman concerned had worked as a temporary godown chowkidar for 149 days only. Then by Ex. 22 collectively various appointment letters have been also produced which clearly show that the workman concerned was working as a temporary godown chowkidar for different fixed periods. The Bank has also produced the certificate produced by the workman concerned about his being a candidate from the Vaghari community which is socially and economically backward community. Then at Ex. 7 circular No. C141 dated 29-4-1976 giving the guidelines about making appointments and qualifications laid down has also been produced. Item No. 2 of Ex. 7 is the copy of the application dated 5-3-1979 made by the workman concerned for getting a job in the Bank. Then item No. 3 of Ex. 7 is the appointment letter dated 5-3-1979 given to the workman concerned. This letter clearly shows that the workman concerned was appointed as temporary godown chowkidar. The said letter also shows that he was given a purely temporary job for a period of 27 days only and that too during the absence on leave of one godown chowkidar on Laxmi Potteries. The said letter also mentions very clearly that he will be discontinued on the expiry of the aforesaid period or return to duty of the employee on leave. The other important condition in the said letter was that the temporary appointment, unless terminated orally will automatically cease at the expiry of the period of his employment and it was also made clear that the temporary appointment given to him will not confirm on him any right whatsoever to claim absorption in the Bank's permanent establishment in any capacity.

6. As far as oral evidence is concerned, the workman has examined himself at Ex. 12. It appears from his deposition that he was appointed as a godown chowkidar on 5-3-1979. According to him he was given appointment on permanent basis and that he had served for five months. He then stated that at the time of joining the Bank he had mentioned about his qualifications. He further states that he has already informed the Bank that he had passed F.Y.B. Com.; that from him the work of watchman and also as waterman was being taken; that he was then discharged on 31-7-1979. He was not given any reason for the same; that no notice was also given nor any retrenchment compensation; that at present the work of chowkidar is still there; that after his discharge some other person is working on the said post. He also stated that he had requested the Bank to make him permanent and thereafter he was discharged. He also stated that efforts were made by him to secure a job but he has not been able to get any. In his cross-examination he has clearly admitted that he had passed S.S.C. in the year 1975-76 and he also passed F.Y.B. Com. in the year 1977 and then passed B. Com. in the year 1981. He also admitted that he had registered himself with the employment exchange and there he had mentioned that he had passed the F.Y.B. Com. examination; that he had given this information in the year 1977. He, however, denied that a post held by him was given only to one who has not passed the S.S.C. or a non-matric. He also admitted when shown his original application that the same was made by him. He has also admitted that whatsoever was mentioned therein was correct. He also admitted that he had received work by different orders and for different periods. He also then went on saying that while entering the service he had not informed the Bank; that he had already passed S.S.C. He also admitted that in his application he had only mentioned that he had passed only VII vernacular. He had also admitted that on the date when he had written as above he had already passed F.Y.B. Com.

7. As against that the Bank has examined one Praful-chandra Shah at Ex. 16. He says that he is working as a Manager and he is in the service of the Bank for the last 26 years. When the workman was given the abovesaid appointment, he was working in that branch and it is he who had given him the appointment letter. After perusing the exhibits of his appointment letters he clearly stated that he was given temporary appointment as a chowkidar as at the relevant time the necessity had arisen. He also stated that after that period was over, he was discharged because thereafter there was no work. He also stated that in the post of temporary chawkidars and temporary peons candidates below the age of 24 and those who have not passed S.S.C. are given the said post. According to him this is according to the office circular in that behalf. When shown the application made by the workman concerned, after seeing the same he had stated that in the said application the workman concerned had mentioned his qualification as VII Vernacular passed and after considering the facts mentioned there in the said application he was given temporary appointment. Thereafter the management came to know that the workman concerned had already passed S.S.C. on the date of application. He then stated that because he was purely temporary and as there was no work for him he was discharged. The witness has been cross-examined at length and the witness has stated there in that there was a temporary post of a chowkidar at one of the factories viz. Laxmi Potteries; that the workman concerned was given appointment in the subordinate staff. Then he once again made it clear that appointment in the subordinate staff is given only to those who are not S.S.C. and made it further clear that no appointment can be given to those who passed S.S.C. He at the same time denied very categorically that it is not because of this reason viz. that the workman concerned had cheated the Bank that he has been discharged. He also denied to have taken the work of Peon from the workman concerned though he was appointed as a temporary watchman for Laxmi Potteries. The Bank also examined one Bhagatiprasad Dolatram at Ex. 19 who in his deposition states that he knows the workman concerned as he was also working in the same branch where the workman concerned was working. He further stated that the workman concerned was taken up as a temporary chowkidar but then as it was found that thereafter his services were not required and as he was temporary watchman he was discharged. He also stated clearly that he was not discharged for any misconduct. He then stated that after he was discharged as he was temporary chowkidar, the fact about his qualification had come to the notice of the Bank. He then made it clear that now there is no question of giving him further appointment as he had already passed S.S.C. or even B. Com. This witness was also cross-examined at length but here also the witness has stated very clearly that the workman concerned was given temporary appointment. The witness has however, admitted that the factory on which the workman concerned was given appointment was closed when he was taken up and it was also closed when he was discharged; that after looking at Ex. 20 he had stated that the workman concerned was taken up as a godown chakidar as mentioned therein. He, however, admitted that the workman concerned was not given any notice or notice pay but mentioned that he was discharged as there was no work for him and because he was a temporary hand.

8. Shri T. R. Mishra had appeared for the workman concerned and Shri Maheshbhai T. Parikh for the Bank.

9. Shri Mishra in support of the case of the workman concerned pointed out from various appointment letters that the workman concerned had worked for 5 different spells. Firstly for 27 days, then 30 days, thereafter 31 days, then 30 days and lastly for 31 days. Thus in all he worked for 149 days. This clearly shows that he had not completed 240 days in one calendar year. Shri Mishra then argued that the workman concerned had been discharged only because it came to the notice of the Bank that the workman concerned had suppressed material fact about his passing F.Y.B. Com. examination and that is the reason

why his services have been terminated. To support this he also pointed out from the written statement wherein the Bank had stated that the workman concerned had supplied wrong materials while entering into service. Shri Mishra then argued that if the Bank had terminated the services of the workman concerned for supplying wrong information, it becomes misconduct and, therefore, an inquiry as has to be held which admittedly the Bank had not done. Moreover, such a misconduct has not been prescribed in the Standing Orders and as the Awards governing these employees, it is also not a misconduct. It was, therefore, argued by Shri Mishra that the termination in the instant case is bad in law. Shri Mishra also relied on the decision rendered by the Hon'ble Supreme Court wherein, Their Lordships have observed "One should lift the veil and find out what is what" Shri Mishra also relied on Tila Mazdoors case and argued that higher qualifications is not a disqualification. Shri Mishra then lastly argued that if a workman concerned was a temporary employee as per the Sastry Award his services cannot be terminated after completion of three months. The Bank has also not proved that he was a badli workman inasmuch as it has not been shown in whose place he had worked. He also argued that as per paragraph 522(4) of the Sastry Award the Bank was required to give 14 days' notice before terminating his services.

10. As against that Shri M. T. Parikh for the Bank pointed out from the various exhibits that the workman concerned was employed only for specific periods by different appointment orders and for different spells. It was also pointed out from Ex. 8/9 which is the original application given by the workman concerned wherein he had mentioned his qualification as Standard VII Vernacular passed. Shri Parikh also pointed out from Ex. 7/1 that there are certain guidelines for appointment of Peons and Chawkidars. Shri Parikh then maintained firmly that the workman concerned was discharged because the period for which he was appointed was over and also pointed out that the Bank came to know about the wrong qualifications mentioned by the workman concerned only after some time and also contended that the workman concerned had been discharged for any misconduct on his part. He, therefore, argued that the action of the Bank is quite legal and proper and the reference deserves to be dismissed.

11. I have considered the contentions of both the sides and there are certain facts which are very pertinent in this case. It is a fact that the workman concerned had applied in the Bank to get the job as a temporary godown chakidar. There was a practice in Bank at the relevant time to give appointment as temporary chawkidars for the factories or godown of their clients who have borrowed money from the Bank. It has also been proved beyond doubt that the workman concerned in his application dated 5-3-1979 for securing job had clearly mentioned in his educational qualifications Standard VII vernacular passed. Now in his oral evidence the workman had in very clear terms admitted that the date on which he gave this information, he had already passed the F.Y.B. Com. examination. It also appears from the oral evidence of the Bank Manager that this information came to the knowledge of the Bank after quite a long time and this is not the real reason for which the workman concerned was discharged but because the period for which he was appointed was over and as it was purely a temporary job and as there was no work he was discharged. Various appointment letters which have been exhibited also show that the workman concerned was appointed for few days viz. for five different spells and for different number of days. He has not completed 240 days in the calendar year and in my opinion the provisions of Section 25F would not be attracted herein. As regards the contention of Shri Mishra that as per the Sastry Award Para 522(4) the workman should have been given 14 days' notice in my opinion this would not apply in the instant case inasmuch as very recently the similar arguments were advanced in the case of this very Bank wherein it was argued on behalf of the Bank that Sastry Award does not apply to the Bank viz. the State Bank of Saurashtra as the name of the Bank does not appear in Schedule I to the Notification dated 5-1-1952 issued by the Central

Government in this behalf. From the said schedule, it does appear that the name of the Bank is not included therein. As against that it has also not been shown that the said award would apply to this Bank or to the workmen working in the Bank. In the case where such an argument was advanced, I had held that the contentions raised on behalf of the Bank appear to be valid. In this case also the contention being the same and also the Bank being the same, I am of the view that as far as the application of the Sastry Award is concerned, the same would not be applicable to this Bank. The question, therefore, about giving 14 days' notice would not arise in this case. Now, if we consider the various appointment letters and the periods mentioned therein, it appears that the workman concerned was employed for fixed periods and that too purely as a temporary chawkidar. It cannot be argued that the workman concerned was a permanent workman. Then it has also not been proved though alleged that because the workman concerned requested to make him permanent, he was discharged. On the contrary, the documentary as well as the oral evidence amply goes to show that the workman concerned was discharged only because the period for which he was appointed was over and thereafter his services were not required. The question of considering him for another fresh appointment also does not arise inasmuch as for such a post one should be a non-matric or non S.S.C. while the workman concerned has passed B. Com. by now. Of course, this is not a ground either to terminate his services nor a ground for not taking him as afresh but one thing is certain that to secure a job of temporary watchman the workman concerned had used foul means and he had gone to the length of mentioning his qualifications wrongly and that too with mala fide intention. In my opinion, therefore, though this is not a ground to terminate his services, the Bank would be justified in not taking such a person even as afresh when he has made such a wrong statements in his application itself. In institutions like Banks persons of this type cannot be tolerated. So in my opinion this is also not a case of being lenient. In my view, therefore, the action of the Bank is quite legal and proper and the reference deserves to be rejected.

12. The result is that the reference is rejected. No orders as to costs.

Ahmedabad.

Date—30th December, 1989.

SHRI K. S. BAROT, Presiding Officer

[No. I-12012/348/81-D-II(A)]

S. C. SHARMA, Desk Officer

नई दिल्ली, 25 जनवरी, 1990

का.आ.-432-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधकों से सम्बद्ध नियोजकों और उनके कामकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (मं. 2), धनवाद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 15-1-1990 को प्राप्त हुआ था।

New Delhi, the 25th January, 1990

S.O. 432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 15-1-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 159 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Messrs Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. Lal and Shri D. K. Verma, Advocate.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coke oven.

Dated, Dhanbad, the 8th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (320)/85-D.III(A), dated, the 27th March, 1986.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Messrs. Bharat Coking Coal Limited, should allow resumption of duties by, and regularise on their rolls, the workmen shown in the list below, who claim to have worked previously in Sanjib Coke Ovens taken over by Messrs. Bharat Coking Coal Limited, after nationalisation, and pay them wages for the period of their idleness as well as difference of wages said to be due to them for the period of their previous service, is justified? If so, to what relief, if any, are all or any of these workmen entitled?"

1. Shri Aftab Ahmad, Supervisor.
2. Shri Jafar Hussain, Assistant Supervisor.
3. Shri Rajdeo Singh, Assistant Supervisor.
4. Shri Ajay Kumar, Assistant Supervisor.
5. Shri Nisar Ahmad, Foreman.
6. Shri Sambhu Kr. Roy, Assistant Foreman.
7. Shri Mukhtar Ahmad, Attendance Clerk.
8. Shri Kedar Nath Singh, Attendance Clerk.
9. Shri Ram Sakal Ram, Munshi.
10. Shri Nisar Khan, Munshi.
11. Shri Dharamdeo Yadav, Gas Mistry.
12. Shri Barku Ram, Gas Mistry.
13. Shri Indrajit, Gas Mistry.
14. Shri Gopal Pandey, Guard.
15. Shri Surender Singh, Guard.
16. Shri Radhey Singh, Guard.
17. Shri Arjun Singh, Guard.
18. Shri Sidheswar Pd. Singh, Guard.
19. Shri Md. Chhedi Khan, Line Mistry.
20. Shri Shiv Shankar Pandey, Line Helper.
21. Shri Ram Balak Sharma, Line Helper.

22. Shri Nayeem Ahmed, Mason.
23. Shri Abbas Sah, Mason Helper.
24. Shri Md. Emtiaz, Mason Helper.
25. Shri Parihar, Fireman.
26. Shri Jang Bahadur, Fireman.
27. Shri Jugal Yadav, Fireman.
28. Shri Sudhir Bouri, Fireman.
29. Shri Md. Alim, Fireman.
30. Shri Ali Ahmad, Fireman.
31. Shri Shiv Shankar Yadav, Fireman.
32. Shri Md. Rayaz, Fireman.
33. Shri Nageswar Yadav, Fireman.
34. Shri Prakash, Fireman.
35. Shri Ambika Ram, Fireman.
36. Shri Bal Kishore, Fireman.
37. Shri Jainu Mian, Fireman.
38. Shri Ram Nath Yadav, Fireman.
39. Shri Tabraj Khan, Fireman.
40. Shri Asharaf Mian, Fireman.
41. Shri Nanku Ram, Fireman.
42. Shri Subaran Ram, Fireman.
43. Shri Pawari Ram, Fireman.
44. Shri Prakash Yadav, Fireman.
45. Shri Anudin Khan, Fireman.
46. Shri Kedar Khan, Fireman.
47. Shri Sarowar Singh, Fireman.
48. Shri Radhey Shyam, Trammer.
49. Shri Ram Awadh Ram, Trammer.
50. Shri Rahman Mian, Trammer.
51. Shri Akhtar Hussain, Trammer.
52. Shri Aji Mullah, Trammer.
53. Shri Nawal Singh, Trammer.
54. Shri Md. Ajazal, Trammer.
55. Shri Ijhar Khan, Trammer.
56. Shri Panjabi, Trammer.
57. Shri Triloki Singh, Trammer.
58. Shri Atul Modi, Trammer.
59. Shri Ramchit Ram, Trammer.
60. Shri Amrit Mal, Trammer.
61. Shri Bachu Yadav, Trammer.
62. Shri Rabindra Yadav, Trammer.
63. Shri Ramchandra Yadav, Trammer.
64. Shri Ram Balak Ram, Trammer.
65. Shri Ajahar Khan, Trammer.
66. Shri Amla Singh Yadav, Trammer.
67. Shri Ishalam Khan, Trammer.
68. Shri Mahendra Ram, Trammer.
69. Shri Mithuri Rajbhar, Trammer.
70. Shri Ram Prasad, Trammer.
71. Shri Biafu Ram, Trammer.
72. Shri Haridwar Gupta, Trammer.
73. Shri Chhamanand Singh Yadav, Trammer.
74. Shri Meraz Ahmad, Trammer.
75. Shri Krihsnanandan Singh, Trammer.
76. Shri Mansoor Ahmad Sidique, Trammer.
77. Shri Bhagu Bouri, Ghani Man.
78. Shri Suleman Mian, Ghani Man.
79. Shri Kayum Khan, Ghani Man.
80. Shri Choina Bourin, Crusser Mazdoor.
81. Shri Bian Bouri, Crusser Mazdoor.
82. Smt. Dwiraj Bourin, Crusser Mazdoor.
83. Smt. Chompa Bourin, Crusser Mazdoor.
84. Shri Kewara Chand, Crusser Mazdoor.
85. Smt. Sarala Bouri, Crusser Mazdoor.
86. Shri Prakash Paswan, Crusser Mazdoor.
87. Shri Narendra Pd., Crusser Mazdoor.
88. Shri Suresh Pd. Singh, Crusser Mazdoor.
89. Shri Aslam Khan, Crusser Mazdoor.
90. Shri Bhakti Bouri, Crusser Mazdoor.
91. Smt. Nioti Bourin, Crusser Mazdoor.
92. Shri Ramesh Singh, Crusser Mazdoor.
93. Smt. Parin Modin, Crusser Mazdoor.
94. Shri Chouthi Prasad, Crusser Mazdoor.
95. Smt. Alike Kamin, Crusser Mazdoor.
96. Smt. Sambodhan Bibi, Crusser Mazdoor.
97. Smt. Pushpa Bourin, Crusser Mazdoor.
98. Smt. Sakuntala Kamin, Crusser Mazdoor.
99. Shri Kartari Mandal, Crusser Mazdoor.
100. Shri Gopal Modak, Crusser Mazdoor.
101. Srimati Kalyani Kamin, Crusser Mazdoor.
102. Shri Lalan Bouri, Crusser Mazdoor.
103. Shri Jainuddin, Crusser Mazdoor.
104. Shri Birju Singh, Chaprasi.
105. Shri Nasiruddin Khan, Crusser Mazdoor.
106. Shri Ramaram Yadav, Crusser Mazdoor.
107. Shri Md. Julfehar, Crusser Mazdoor.
108. Shri Badal Bouri, Crusser Mazdoor.
109. Shri Mati Malti Modin, Crusser Mazdoor.
110. Shri Dukhan Bouri, Crusser Mazdoor.
111. Smt. Chapala Kamin, Crusser Mazdoor.
112. Shri Nandu Bouri, Crusser Mazdoor.
113. Smt. Jhuni Bourin, Crusser Mazdoor.
114. Shri Ram Sahkar Ram, Crusser Mazdoor.
115. Shri Nawin Kr. Singh, Crusser Mazdoor.
116. Shri Tara Pado, Crusser Mazdoor.
117. Shri Prakash Kr. Mahanty, Crusser Mazdoor.
118. Shri Modan Mohan Jha, Crusser Mazdoor.
119. Shri Bijy Singh, Crusser Mazdoor.
120. Shri Dahari Ram, Crusser Mazdoor.
121. Shri Ahmed Raja, Coal Breaker.
122. Shri Md. Jahir, Coal Breaker.
123. Shri Irsad Ahamad, Coal Breaker.
124. Shri Markendey Singh, Coal Breaker.
125. Shri Ashriful Haque, Coal Breaker.
126. Shri Sahajada Khan, Coal Breaker.
127. Shri Rameshwar Roy, Coal Breaker.
128. Shri Narad Bouri, Stracar.
129. Shri Krishna Bouri, Stracar.
130. Shri Ayan Bouri, Stracar.
131. Shri Durga Bouri, Stracar.

132. Srimati Sitia Bourin, Stracar.
133. Srimati Balika Bourin, Stracar.
134. Srimati Biniya Bourin, Stracar.
135. Srimati Chimti Baurin, Stracar.
136. Smt. Bijali Bourin, Stracar.
137. Smt. Sakuntala Bourin, Stracar.
138. Shri Kishun Yadav, Stracar.
139. Shri Jadunandan, Stracar.
140. Shri Babu Charan, Stracar.
141. Shri Patbati Ram, Stracar.
142. Shri Siv Bachan Yadav, Stracar.
143. Shri Arjun Bhagat, Stracar.
144. Shri Krishnandan Sao, Stracar.
145. Shri Babu Lal, Stracar.
146. Shri Nurul Hassan, Stracar.
147. Shri Narendra Pd. Singh, General Mazdoor.
148. Shri Jai Prakash Roy, General Mazdoor.
149. Shri Pritam Kumar, General Mazdoor.
150. Shri Ramashrey Singh Yadav, General Mazdoor.
151. Shri Sundet Lal, General Mazdoor.
152. Shri Durga Mistry, General Mazdoor.
153. Sri Raj Kishore Yadav, General Mazdoor.
154. Shri Malia Ram, General Mazdoor.
155. Shri Rajendra, General Mazdoor.
156. Shri Ranalec Tiwari, General Mazdoor.
157. Shri Sani Ram, General Mazdoor.
158. Shri Ghura Mian, General Mazdoor.
159. Shri Purushoram Yadav, Door Repairer.
160. Shri Lambodar Khan, Door Repairer.
161. Shri Jaheer Khan, General Mazdoor.
162. Shri Isteyaq Ahmad, Pump Khalasi.
163. Shri Sami Ullah Khan, Pump Khalasi.
164. Shri Md. Habib, General Mazdoor.
165. Shri Md. Mustafa, General Mazdoor.
166. Shri Om Prakash, General Mazdoor.
167. Shri Kedhar Nath, General Mazdoor.
168. Shri Sarbajeet Gupta, General Mazdoor.
169. Shri Nabi Ahmad, General Mazdoor.
170. Shri Bijay, General Mazdoor.
171. Shri Dharmu Yadav, General Mazdoor.
172. Shri Prakash Chandra, General Mazdoor.
173. Shri Suresh Pd. Mahato, General Mazdoor.
174. Shri Jabad Ali, Fireman.
175. Shri Gaiju Mian, General Mazdoor.
176. Shri Ram Bahadu Paswan, General Mazdoor.
177. Shri Bijay Pd., General Mazdoor.
178. Shri Kamalakar Choubey, Coal Breaket.
179. Shri Faujdar Yadav, General Mazdoor.
180. Shri Sareef Ahamad, General Mazdoor.
181. Shri Am. Maquebul, General Mazdoor.
182. Shri Md. Shanshad, Stracar.
183. Shri Bijai Prasad Singh, General Mazdoor.
184. Shri Dukhi Mahato, General Mazdoor.

The case of the workmen is that by virtue of Coking Coal Mines (Nationalisation) Act, 1972 of Coking Coal Mines along with coke oven plants in or belonging to the mines also stood nationalised. In addition 12 specified coke oven plants not belonging to the owners of the mines but known to exist near about the mine were also nationalised. Coke oven plants popularly known as Sanjib Coke oven of Sanjib Coke Manufacturing Company also stood nationalised in item No. 9 of the second schedule of the Coal Mines (Nationalisation) Act and title, interests right and the management vested into the Central Government after the nationalisation and in due course it was transferred to M/s. BCCL by the Central Government. It was decided by the Supreme Court in the case of Sanjib Coke Manufacturing Co. vs. M/s. BCCL reported in 1983 Supreme Court case (volume I page 147) that the said coke oven plants belonged to Sanjib Coke Co. i.e. Sanjib Coke Manufacturing Co. before the nationalisation. The Sanjib Coke Manufacturing Co. who were the owners of Sanjib Coke oven plants filed Writ Petitions in the Calcutta High Court challenging inclusion of their coke oven plant in the second schedule of the Act. The Hon'ble High Court, Calcutta appointed Shri R. N. Sharma the then Managing Director of M/s. BCCL and Shri P. D. Ajmera partner of Sanjib Coke Manufacturing Co. as Joint receivers to operate the coke oven plant of Sanjib Coke Manufacturing Co. till the disposal of the Writ petition vide order dated 30-3-72. Against the said order an appeal was filed before the Hon'ble High Court Calcutta and the appellate Court confirmed the order of appointments of Joint Receivers and further ordered that Shri Om Prakash Gupta the Chief Administrative Officer of Sanjib Coke Manufacturing Co. was to work as the Manager under the joint receivership. The joint receivers continued the business of Sanjib Coke Co. engaged workers and paid wages to them and the business of Sanjib Coke Manufacturing Co. under the joint receivership continued upto 10-12-1982 when the Supreme Court decided and disposed off the writ petition on being transferred to it from the Calcutta High Court holding that the Nationalisation Act of 1972 was a valid piece of legislation. Immediately after the said judgment dated 10-12-1982 by the Supreme Court, M/s. BCCL took over the physical possession of the said coke oven plants appointed the security guards to look after it. The management of Sanjib Coke Manufacturing Co. was evading to hand over the full charge of the plants and machineries books of accounts and other materials and on application being made by M/s. BCCL, the Supreme Court was pleased to direct Shri P. D. Ajmera one of the joint receivers to hand over the possession of plants and machineries, books of accounts etc. to M/s. BCCL vide its order dated 29-7-83 and accordingly Shri Ajmera handed over the charge of the coke plants. Thereafter M/s. BCCL took over possession of the said coke oven plants along with all its assets and liabilities.

Sanjeeb Coke oven is one of the big plants of the locality situated over large area of land. It manufactures hard coke and employs more than 200 workers for manufacturing hard coke. The average production of hard coke of the company was 50 tonnes per day while it was in operation. M/s. BCCL took charge of the said coke oven just after the decision of the Supreme Court on 10-12-83 holding the validity of the nationalisation Act but instead of continuing the operation of production of hard coke as usual being done during the regime of Joint Receivers, M/s. BCCL stopped the production and management of the workers of the said coke oven without any notice or information. Since then M/s. BCCL has deliberately shut operation of the said coke oven for some ulterior purpose. Prior to and during the management of Joint Receivers more than 200 workers were on the roll of the coke oven plant who were employed for the production of hard coke. The erstwhile employer namely Sanjib Coke Manufacturing Co. was exploiting the workers by paying them much less wages than what was legitimately payable to them. Most of the workers were being paid a consolidated sum of Rs. 5.25 P. per day and thus they were deprived of even the minimum wages. The workmen had to work on the meagre wages on account of dirth of jobs elsewhere. The erstwhile employer had adopted various devices to deprive the workers of their legitimate dues. They were not paid proper wages, bonus and were not being made the members of the Coal Mines Provident Fund. Their service conditions were not maintained properly according to the

rules and regulations. The aforesaid malpractices continued even during the period of joint receivership. The erstwhile employers and the joint receivers did not maintain the proper records of the workers engaged in running the coke oven plants in order to deprive the workmen the benefits of various provision of law rules, awards and agreement.

A complaint was made on behalf of the workmen of M/s. Sanjib Coke Manufacturing Co. to the authority of the Labour Department and Government of Bihar, Dhanbad regarding not maintaining proper documents and not issuing employment cards to their workers and thereafter the employers issued employment cards to the concerned workmen showing them as employees of Ahmed contractors. The erstwhile employers and even the joint receiver used to show the employment of most of the workers under contractor although there was no such independent contractor. The concerned workmen of the present reference were being shown employed by the Coke oven plant through one Ekbal Ahmed as a contractor. The said Ekbal Ahmed never acted as a contractor and there was no contract between Ekbal Ahmed and the erstwhile employer or the Joint Receivers of the said coke oven plants. Ekbal Ahmed is himself an employee of M/s. BCCL working at different collieries. The concerned workmen have all along been in the direct employment of the owners of M/s. Sanjeev Coke Manufacturing Co., the Joint Receivers and subsequently of M/s. BCCL. Moreover the job performed by the concerned workmen as mentioned in the schedule to the order of reference cannot be entrusted to a contractor. The intermediate contractor was a farce entity posed as employer to deprive the concerned workman of the various benefits which are available to them as regular and direct employee of the principal employer. If the veil is lifted in the present case it will be found that Ekbal Ahmed was never an independent contractor and M/s. Sanjeev Coke Manufacturing Company was all along the direct employer of the concerned workman. The control and supervision of the work of the concerned workman were done directly by the owners of Ms. Sanjeev Coke Manufacturing Company and the joint receivers through their manager.

M/s. BCCL stopped the operation of the coke oven plants immediately after taking over the possession and management on the apprehension that a large number of persons are claiming employment. The action of the management of M/s. BCCL in stopping the operation of the Coke Oven Plants and thereby stopping the employment of the work of regular workers was brought to the notice of RCMS which was the union of the concerned workmen. The RCMS took up the case of the concerned workmen who were rendered unemployed by M/s. BCCL and it was agreed by the management of BCCL that they would provide employment to all those workmen who would be found genuine after scrutiny. After decision of the Supreme Court on 10-12-1982 M/s. BCCL constituted a screening committee to scrutinise the particulars of the persons claiming employment and for the same notice was issued advising the workers to appear before the interview board on 15-11-83 for interview and for scrutinising their particulars to find their genuineness for their employment by M/s. BCCL. In response to the aforesaid notice many persons including the concerned workmen appeared before the interview board who were interviewed and their identities were found genuine proving they were employees of M/s. Sanjeev Coke Manufacturing Co. working on their coke oven plants before take over by M/s. BCCL. The interview board prepared the records of the interview and submitted a report to the authority of M/s. BCCL holding that the concerned workmen are genuine employees and their employment deserves to be regularised. In spite of the said finding M/s. BCCL did not regularise the services of the concerned workmen and did not start the production of hard coke from the said coke oven plants. The concerned workmen are internally starving being out of employment since the stoppage of their work and the management of M/s. BCCL has failed to implement and act according to the provision of the nationalisation Act. According to the provision made in Section 17 of the Coking Coal Mines (Nationalisation) Act, 1972 every person who is workman within the meaning of the I.D. Act, 1947 and has been immediately before the appointed day in the employment of Coking Coal Mines or Coke ovens plants shall become on and from the appointed day an employee of the Central

Government or, as the case may be, of the Government company. The concerned workmen were on the rolls of the coke oven plants and they became the employees of the said coke oven plant automatically after the nationalisation irrespective of the fact whether they were in direct employment of M/s. Sanjeev Manufacturing Co. or of any so called contractor. The concerned workmen finding no alternative raised an industrial dispute through their union RCMS before the ALC(C), Dhanbad. The management of Ms. BCCL appeared before the ALC(C) in conciliation. The conciliation failed and on failure report being sent to the Government of India, Ministry of Labour the present reference was made to this Tribunal for adjudication. The only plea of the management of M/s. BCCL was that there was no valid document to support the claim of the concerned workmen. The particulars of the concerned workmen was thoroughly scrutinised by the officers of M/s. BCCL themselves and the screening committee was satisfied regarding the genuineness of the concerned workmen. When duly constituted screening committee of M/s. BCCL found the genuineness of the employment of the concerned workmen, there can be no basis whatsoever to contend that the identity of the concerned workmen were not duly proved. On the above facts it has been prayed that the demand of the workmen of the reference is proper and justified and that they are entitled resumption of duties regularisation of their services and payment of their wages by the management of M/s. BCCL since the date they took over charge of the management of Coke oven plants in question.

The case of the management is that the concerned workmen had made no demand directly to the management. The workmen referred in the annexure to the order of reference are absolute strangers and there was at no time any employer employee relationship between them and the management or its predecessors. The said workmen were never employed by the Sanjeev Coke Manufacturing Co. The coke oven plant's owned by Sanjeev Coke manufacturing Co. had been closed towards the end of 1982 when it was still in the possession of Shri P. D. Ajmera in the capacity of Joint Receiver and as such their can neither be any industrial dispute nor any industrial adjudication of any such purported dispute with respect to a closed industrial establishment.

The Coking Coal Mines and Coke oven plants covered by the first and second schedule of the Coking Coal Mines (Nationalisation) Act, 1972 which came into force from 1-5-1972 were transferred by the Central Government to M/s. BCCL established for the purpose of managing these coking coal mines and coke oven plants and BCCL therefore became the owner of these industrial establishment. With a view to defeat and delay and taking over of the aforesaid plants the previous owner of Sanjib Coke Manufacturing Co. filed a Writ Petition before the Hon'ble Calcutta High Court contending that the said Coke plants had not vested in the Central Government or BCCL because the act ultra vires and secondly because coke oven plants in question was not including in the relevant schedule of the Act and succeeded in getting an order for appointment of joint receivers over the said plants and thus the union of India and BCCL were prevented from taking over the possession of the said plant. The Writ Petition of M/s. Sanjib Coke Manufacturing Co. which was filed in Calcutta High Court was transferred to the Hon'ble Supreme Court and numbered as transferred case No. 1 of 1980. At the time of transfer Shri P. D. Ajmera along with director of BCCL were the joint receivers of the said coke oven plants under the order of the Hon'ble Calcutta High Court. By order dated 10-12-82 a constitution bench of the Hon'ble Supreme Court held that the impugned Acts were valid and the aforesaid plants vested in the Union of India and consequently in BCCL. While the petition was pending in the Calcutta High Court, the Division bench of the said Court while confirming the order of the Single Judge appointing joint receiver directed that Shri Om Prakash Gupta an officer of M/s. Sanjib Coke Manufacturing Co. will Act as Manager under the two joint receivers and take direction from both the Joint Receivers to manage the plant. Shri P. D. Ajmera one of the Joint Receivers who was actually in possession and managing coke plant in question was running the business of the said plant as sole proprietor in collusion with the said Manager even after the orders of the Hon'ble Calcutta High Court. When the Director of

BCCL who was the other Joint Receiver of the plant wrote to the Manager of the plant to send him the reports with regard to the finance investments, sale, personnel and business operation etc. of the said plant from the date of appointment of the Joint Receiver the manager did not send him the report etc. After the decision of the Hon'ble Supreme Court dated 10-12-82, BCCL wrote to Shri P. D. Ajmera to hand-over possession of the plant to Ms. BCCL with upto date account by 31-12-82, Shri P. D. Ajmera wrote BCCL to take possession of the plants stating that the accounts upto the year 1981 had been sent to the other Joint Receiver from time to time. But actually the accounts had not been sent to the Joint Receiver of BCCL. Considering the above situation the Union of India and BCCL filed a Civil Misc. petition No. 11026 of 1983 before the Hon'ble Supreme Court of India praying that Shri P. D. Ajmera be directed to hand-over possession of the plant to M/s. BCCL with upto date Sudamdih Coke oven plant to BCCL along with the assets and book of accounts after making out comprehensive inventory of the same without discharging Shri P. D. Ajmera as the Joint Receiver and to pass orders to restrain P. D. Ajmera Joint Receiver from carrying on any business or other transaction in respect of the plants and from making any fresh appointments and recruitment. After hearing the aforesaid Civil Misc. petition their Lordships of the Supreme Court passed an order dated 29-7-83 accepting the prayer of BCCL. In pursuance of the said order of the Hon'ble Supreme Court the management of BCCL took steps to take possession of the Coke ovens plants in question which had already been closed by Shri P. D. Ajmera towards the end of 1982. The physical possession of the Coke Oven plants in question was taken over by the management of BCCL from Shri P. D. Ajmera in closed condition on 20-9-83 and at that time no workers were working. Shri Ajmera, however failed to hand over the records books of accounts etc. in terms of the order of their Lordship of the Supreme Court and handed over only some of the records. Under such circumstances the question of the management of BCCL taking into its employment any workers of the said coke plant did not arise. The condition of the Coke oven plant at the time when it was taken over by M/s. BCCL was such that it could not be recommissioned or worked economically without heavy investment or expenditure. Considering the state of affairs of the market and demand for hard coke the management of BCCL decided not to restart the coke plant in question.

Shri P. D. Ajmera had furnished to the management of M/s. BCCL the details of the workers as follows :—

- (a) 16 workers directly employed by the Coke oven plant.
- (b) 36 other workers purported to have engaged on the job basis.
- (c) 71 workers purported to have been engaged through

Labour contractor for operation of the Coke plant. Considering the quantity of hard coke produced by the Coke plant in question when it was in operation, the above strength of workers was far in excess and Shri P. D. Ajmera who was operating with ulterior motive had made a deliberate attempt to pass on to the management of M/s. BCCL heavy burden by inflating the number of workers stated to have been employed by him in the coke oven plants. Shri Ajmera declared that he was paying to the contractors workmen engaged through Shri Ekbal Ahmed an amount of Rs. 3950 per week apparently towards the end of 1982 when coke plant was closed. It is fantastic to say that as many as 71 workers could have been employed within such an amount besides leaving profit margin and provision for overhead expenses of the contractor himself. Shri Ajmera was operating hand in glove with the said Ekbal Ahmed. Even if Shri Ekbal Ahmed contractor engaged as many as 71 workers they might have been employed occasionally and not on regular basis. The management of M/s. BCCL have no liability whatsoever considering for employment any worker of the ex-contractor of the coke oven plant and that took when the coke plant was closed towards the end of December, 1982 and was still closed.

On close scrutiny of the names of 184 concerned workmen referred in the order to the schedule of reference and the

list of workers furnished by Shri Ajmera it will appear that the names of the 16 direct employees referred to by Shri Ajmera do not find place in the annexure to the reference order. The names of the 36 loaders stated to have been engaged on job basis also do not find any place in the annexure to the reference order. The names of only 50 persons referred in the reference order find place amongst the alleged workers stated to have been employed by the contractor Shri Ekbal Ahmed. The above situation reveals serious discrepancy in regard to the names given by the sponsoring union and it further indicates that fraudulent attempts had been made to induct fake persons into employment of M/s. BCCL. Another glaring and serious discrepancy is that the sponsoring union is making fraudulent attempts to induct vague persons into employment of M/s. BCCL is that the Secretary, RCMS had furnished a list of only 134 persons to the ALC (C) Dhanbad when he had raised the purported dispute but the number of persons has swelled upto 184 when the present reference was made. 116 persons whose names are included in the annexure to the reference order did not find place in the annexure to the letter dated 28-12-83 of the Secretary, RCMS by which the purported dispute was raised. The sponsoring union in connivance with Shri Ekbal Ahmed has indulged in manipulation and fabrication of documents in a deliberate bid to pass on the burden of the employment of fake persons to BCCL. The wagesheets for certain period in 1980, 1981 and 1982 produced by the representative and the contractor and the union representative revealed that the documents are spurious fake and forged as (a) so called wagesheets were prepared conforms which were printed much later (b) according to the opinion of the experts of the forensic laboratories, Calcutta the LTI in the wagesheets bearing to a few persons and a single person had given a number of LTI (C) in regard to the attendance register the experts of the forensic laboratory, Calcutta found several anachronistic features (d) according to the report given by India Security Press Nasik, Revenue stamp affixed in the wagesheets for 1980 and 1981 were actually printed by the Nasik press in 1982. The above facts demonstrate the falsehood of the claim of the sponsoring union and acts of forgery misrepresentation fraud etc. committed by the interested persons. In the light of the position as stated above the question of the management allowing any so called person resumption of duty or regularising them or giving any relief of any wages for the period of their idleness as well as difference of wages to their so called period of their previous service does not arise and in consequence there is no question of given any relief to the concerned workmen. It is prayed on behalf of the management that it may be held that the demand of the union as referred in the reference order is not justified and that the concerned workmen are not entitled to any relief.

The points for decisions are :—

- (1) When was the Sanjib Coke ovens of Sanjib Coke manufacturing company close ?
- (2) Whether the Coke oven plant of Sanjib Coke Manufacturing Co. was a closed oven at the time BCCL took its possession.
- (3) Whether the concerned persons were working in the Sanjib Coke ovens at the time when its possession was taken over by BCCL ?
- (4) Whether the concerned persons were the workmen of the contractors or of Sanjib Coke Manufacturing Co. ?
- (5) Whether there was relationship of employer and employee between Sanjib Coke Manufacturing Co./BCCL and the concerned persons.
- (6) Whether the concerned persons should be allowed to resumption of duties and regularisation on the rolls of BCCL ?
- (7) Whether the concerned persons are entitled to the arrears of wages for the period of their idleness and difference of wages for the period of their previous service from BCCL ?

The workmen examined three witnesses and the management examined 6 witnesses to establish their respective case. The documents of the workmen are marked Ext. W-1 to W-15

and the documents of the management are mailed Ext. M-1 to M-38.

Point No. 1 and 2

These two points have been taken up together for discussion as they are interconnected.

Admittedly Sanjib Coke Oven of Sanjib Coke Manufacturing company was nationalised by virtue of Coking Coal Mines (Nationalisation) Act, 1972 and the title, interest right and the management vested in the Central Government after the nationalisation and in due course it was transferred to M/s. BCCL by the Central Government. It is also admitted that the owners of Sanjib Coke Manufacturing company filed a Writ Petition in the Hon'ble High Court of Calcutta challenging the nationalisation of the Coke oven plant and Sanjib Coke Manufacturing company and that the Hon'ble High Court of Calcutta appointed Shri R. N. Sharma the then Managing Director of M/s. BCCL and Shri P. D. Ajmera partner of Sanjib Coke Manufacturing company as Joint Receivers to operate the Coke oven plants of Sanjib Coke manufacturing company till the disposal of the Writ petition vide order dated 30-3-72. Against the said order an appeal was filed before the Hon'ble High Court at Calcutta and the appellate Court confirmed the order of appointment of Joint Receivers and further ordered that Shri Om Prakash Gupta the then Administrative Officer of Sanjib Coke Manufacturing company was to work as the Manager under the Joint Receivers. It is further admitted that the Writ petition pending before the High Court of Calcutta was transferred to the Hon'ble Supreme Court and the Hon'ble Supreme Court was placed to decide and dispose off the Writ petition holding that the Coking Coal Mines (Nationalisation) Act, 1972 was a valid piece of legislation vide its order dated 10-12-82. So far the case of both the parties are admitted. According to the workmen after the said judgement of the Hon'ble Supreme Court dated 10-12-82 M/s. BCCL took over physical possession of the coke oven plant but according to the M/s. BCCL the possession of the Sanjib Coke Oven plant was not given by Shri P. D. Ajmera who in fact was in possession of the coke oven plant. According to M/s. BCCL, the management of Sanjib Coke Manufacturing company was evading to hand over the full charge of the plants and machineries books of accounts etc. and as such M/s. BCCL filed a case before the Supreme Court and thereafter the Hon'ble Supreme Court was pleased to direct Shri P. D. Ajmera one of the Joint Receiver to hand over the possession of plants and machineries, books of accounts etc. vide its order dated 29-7-83 and thereafter Shri Ajmera handed over charge of the coke oven plant to M/s. BCCL on 20-9-83. According to the workmen M/s. BCCL came in physical possession of Coke Oven plant immediately after judgement of the Hon'ble Supreme Court dated 10-12-82 whereas according to M/s. BCCL it came in possession of the coke oven plant on 20-9-83 after the order of the Hon'ble Supreme Court dated 29-7-83 by which Shri Ajmera was directed to hand over charge of Coke Oven plant along with the books of accounts etc. to BCCL.

In para-11 of the W.S. of the workmen it is stated that M/s. BCCL took charge of the Coke oven plant just after the decision of the Supreme Court on 10-12-82 holding the validity of the nationalisation Act, but instead of continuing the operation and production of hard coke as was being done during the regime of Joint Receivers M/s. BCCL stopped the production and engagement of the workers of the said coke oven plants without any notice. It will thus appear as stated by the workmen that Sanjib Coke Oven plant stopped production in the month of December, 1982. WW-1 Ram Sakal Ram and WW-2 Aftab Ahmed who are two of the concerned persons in the reference have stated that they had worked till 15-12-82 and that on 15-12-82 the work of the coke oven was stopped by the officers of BCCL. Thus it is the definite case of the workmen that Sanjib Coke oven was closed in December, 1982. It is the admitted case of the parties that Sanjib Coke oven was under the Receivership during the pendency of the Writ petition in which the Coking Coal Mines (Nationalisation) Act was challenged and that the said Writ petition was decided by the Hon'ble Supreme Court on 10-12-82. It is evident therefore that prior to 10-12-82 admittedly M/s. BCCL was not in possession of Sanjib Coke oven plant and that the said plant was under the Joint Receivership appointed by Calcutta High Court.

Now, the question is whether M/s. BCCL come in possession of Sanjib Coke oven plant soon after the decision of Hon'ble Supreme Court dated 10-12-82. Ext. M-1 is the application for direction to the Joint Receiver to hand over the possession and management of the business and property of the coke oven plants which was numbered as Civil Misc. Petition No. 11026 of 1982 in the Hon'ble Supreme Court of India wherein it is prayed that Shri P. D. Ajmera be directed to hand over at Dhanbad the possession and management of the business and property of the Coke Oven plant to M/s. BCCL along with all assets and books of accounts etc. Ext. M-2 is the order passed in Civil Misc. petition No. 11026 of 1983 by the Hon'ble Supreme Court dated 29-7-83. The order shows that Shri P. D. Ajmera was directed to handover possession of all the requisite possession of which he took over when he was appointed as Joint Receiver and then hand over possession to the Chief Judicial Manager of M/s. BCCL. It is clear therefore that as Shri P. D. Ajmera one of the Receivers of the Coke oven plants had not handed over possession and management of Sanjib Coke oven, he was directed by the Hon'ble Supreme Court after making full deliberation to deliver possession and the management of the coke oven plants to M/s. BCCL through its Finance Officer, MW-1 Shri R. G. Singh who was, Dy. Chief Personnel Manager, Incharge, Man power, at the headquarters of BCCL stated that BCCL was not allowed to play the role of Joint Receiver by the erstwhile management during the Joint Receivership. It will appear that Shri P. D. Ajmera who was one of the partners of Sanjib Coke oven was appointed as one of the Receivers and Shri Om Prakash Gupta who was the Administrative Officer of Sanjib Manufacturing Co. was appointed Manager by the Hon'ble Calcutta High Court during the pendency of the Writ petition and it can well be imagined that the persons who were already in possession and management of the Coke oven plants were given the power to manage the operation of the Coke plant and as such it appears quite probably that Shri Om Prakash Gupta and Shri P. D. Ajmera were not allowing the officers of BCCL to work as Joint Receiver and the order of the Hon'ble Supreme Court in Ext. M-2 is clear indication that Shri P. D. Ajmera and Shri Om Prakash Gupta were not allowing BCCL to take possession and management of the Coke oven plants after the decision of the Supreme Court dated 10-12-82. There is no positive evidence on the part of the workmen that M/s. BCCL had taken physical possession and management of the Coke oven plants after 10-12-82 or prior to the order dated 29-7-83 passed by the Hon'ble Supreme Court. In view of the evidence discussed above I hold that M/s. BCCL had not come in possession of the management of Sanjib Coke Oven prior to 29-7-83.

As discussed above it will appear from the case of the parties that Sanjib Coke oven was closed in December, 1982. This fact is further supported by Ext. M-35 dated 19-2-83 is letter from Shri R. N. Sharma, Joint Secretary of RCMS to the Chairman-cum-Managing Director M/s. BCCL Koyala Bhawan, Dhanbad relating to the employment of the workmen of Sanjib Coke Manufacturing Company. It is stated in this letter that the private management has closed the Coke oven and have filed away and that the management of M/s. BCCL has also not taken over possession of the said coke oven plant and as such about 90 workmen who were engaged in the coke oven in different jobs are idle since 16-12-82. Thus it is clear from that this letter of Shri R. N. Sharma, Joint Secretary of RCMS who appears to be in know of the situation that Sanjib Coke oven had been closed by the erstwhile owner of Sanjib Coke oven and that M/s. BCCL had not taken its possession. It clearly supports the facts that the coke oven plants was closed by the erstwhile owner of Sanjib Coke oven prior to 16-12-82. I hold therefore that Sanjib Coke oven plant was closed by the private erstwhile management prior to 16-12-82.

I have held above that Sanjib Coke oven plant was closed prior to 16-12-82 by the owner of Sanjib Coke Oven and that the management of M/s. BCCL took its possession and management in a closed condition after 29-7-83.

I further hold that the Coke Oven plant of Sanjeev Coke Manufacturing Company was in a closed condition at the time BCCI took its possession. Thus point Nos 1 and 2 are accordingly decided.

Point No. 3

In view of the finding made in respect of Point Nos. 1 and 2 it will appear that the Sanjeev Coke Oven was closed in December, 1982 and that BCCL took possession of the Sanjib Coke Oven plant on 20-9-83 and as such it will appear that the concerned persons were not working in Sanjeev Coke Oven at the time when its possession was taken over by BCCL in September, 1983.

Point No. 4

It is stated by the workmen that the concerned persons were the workmen of Sanjeev Coke Oven but the management of Sanjeev Coke Oven was showing them as contractors workers so that the management may not have to give the benefits which were required to be given by the management. Thus there is no doubt that the concerned persons were shown to be the workmen of the contractor and that there is no document to show that they were direct workmen of the management of Sanjib Coke oven. The case of the management of BCCL is that the concerned persons were never the workmen of Sanjeev Coke Oven and that some of them may have been the contractors workmen working in Sanjeev Coke Oven plant prior to its closure. WW-1, a concerned workman, has stated that he was appointed by Shri Ajmera, Proprietor of Sanjeev Hard Coke Bhatta as Munshi in 1970 and that he had worked till 15-12-82. He has stated that he along with the concerned persons had got employment card from the management of Sanjeev Hard Coke in 1981. The employment cards are marked Ext. W-1 to W-1,80 which shows that the concerned persons to whom these employment cards were issued were under the employment of contractor Ekbal Ahmed and that Sanjeev Coke Manufacturing Co. was the principal employer. Thus these employment cards Ext. W1 series itself show that the concerned persons were workmen of the contractor Ekbal Ahmed. In cross-examination WW-1 stated that he has employment paper with him to show that he was working in Sanjeev Hard Coke but he has not filed any paper to show that he was employed by the management of Sanjeev Hard Coke. The employment cards Ext. W-1 series contains the signature of the supervisor of the contractor and it does not contain the signature of any officer of Sanjeev Coke Oven plant. WW-1 has stated that the Manager had not signed the employment card and that Aftab Ahmed was the Supervisor who had signed employment card. In his further cross-examination WW-1 has stated that there was not contractor in Sanjeev Coke oven named Ekbal Ahmed. But this fact is not true as the document filed by the workmen show that Ekbal Ahmed was contractor. Ext. M38 is a list regarding employees of Sanjeev Coke plant bearing the signature of Ekbal Ahmed. Contractor, Aftab Ahmed Supervisor for the contractor and the management's representative. This list was forwarded to Shri M. P. Baliase, Dy. Chief Personnel Manager, BCCL by Shri P. D. Ajmera, partner of Sanjeev Coke Manufacturing Company vide the forwarding letter Ext. M-28 dated 14-9-83 containing the list of the workmen numbering 71 only. It will show that this list is in respect of the workers of Ekbal Ahmed contractor working in Sanjeev Coke Manufacturing Company Coke Oven plant as on 15-12-82. Thus this becomes the admitted list of the contractor and the owner of Sanjeev Coke Oven plant and it is difficult for the workmen to get out from this admitted documents to show that the concerned 71 persons were the direct workmen of Sanjeev Coke Oven plants. Ext. M-38 clearly establishes that the concerned persons named in it were contractors workers. It further show that there were only 71 contractors workers working in Sijua Coke Oven plants as on 15-12-82, the date just before the stoppage of the Coke oven plant. The truth of the said list of 71 workmen of contractor Ekbal Ahmed working in Sanjeev Coke Oven plant is further supported to be true vide Ext. M-7 series. Ext. M-7 series are the list of workmen working in Sanjeev Coke Oven as on 15-12-82 by the Manager of Sanjeev Coke Manufacturing Company. Ext. M-7 gives the list of staff on monthly pay roll with their remuneration and list of staff on weekly paid roll. Ext. M7/1 is the list of workers on weekly pay roll and Ext. M-7/2 is the list of loaders for hard coke lorries at Sanjeev Coke plant. It also shows that Shri Ekbal Ahmed was the contractors for charging and discharging of Bhattas on contract basis inclusive of crushing of coal and sorting and stacking of hard coke for which the rate of payment per week for 91 ovens for the above work was

Rs. 3950. Thus Ext. M-7 series coupled with Ext. M-38 shows that 71 contractors workmen under contractor Ekbal Ahmed were working in Sanjeev Coke Oven for which the contractor was paid @ Rs. 3950 per week. When questioned in cross-examination WW-1 could not say if the list containing his signature contains the names of the contractors workers. This evidence of WW-1 clearly shows that being aware of the fact he was trying to evade the truth of the existence of the list containing his signature having names of the 71 contractors workers.

WW-2 another concerned workman has stated that he was given employment by Shri Om Prakash Gupta, Manager of Coke Oven at the time of Joint Receivership in 1978. He has stated that Sanjeev Coke Oven was under the Joint Receivership since 1972. He has also stated that the name of Ekbal Ahmed as contractor was being shown in the Registers of the management but he was a benami contractor. He has admitted that Ext. M-7 to M-7/2 are the list of staff of Sanjeev Coke Manufacturing company bearing the signature of Shri Om Prakash Gupta. He has also admitted his signature which is encircled in red ink in Ext. M38. In cross-examination he has stated that he has no paper with him to show that he was directly appointed by Sanjeev Coke nor there is any written order to show that he was asked to work as supervisor-cum-clerk of Sanjeev Coke Oven. Thus there is no document to show that the concerned persons were the direct workmen of Sanjeev Coke Oven. The evidence on the other hand shows that the concerned persons were contractors workers.

In this connection it has to be seen whether all the concerned persons were contractors workers or only few of them. Although the case of the workmen is that all the concerned persons were in the direct employment of the management of Sanjeev Coke Oven it was almost conceded at the time of the argument in the case that the concerned persons were actually not appointed by the management of Sanjeev Coke oven plant and that they were the contractors workmen but in fact they were the workmen of the management and a device was made out to show that they were contractors workers. However the effect has to be seen whether their engagement by the contractors would amount to being the workmen of the principal employer. Presently I would only discuss the evidence regarding the number of the concerned persons who were working in the Bhatta of Sanjeev Coke Oven plants.

On looking to the evidence in the case it will appear that varying list of workmen of Sanjeev Coke Oven are on the record which do not tally. I have already discussed about Ext. M-7 series and Ext. M-36 to show that the management of Sanjeev Coke oven had given a list of only 71 contractors workers who were engaged in the Coke oven Bhatta of Sanjeev Coke oven plant. Another list is given in Ext. M-35. Ext. M-35 appears to be a letter dated 19th February, 1983 by Shri Ram Narain Sharma, General Secretary of RCMS to the Chairman-cum-Managing Director of BCCL in respect of giving employment to the workmen in Sanjeev Coke oven. It shows that after the erstwhile management closed the coke oven and fled away and BCCL did not take possession of the same, about 90 workmen engaged in different jobs became idle with effect from 16-12-82. A list of 52 workmen is provided in respect of the workmen of Sanjeev Coke Manufacturing company. Thus the list provided in Ext. M-35 is in respect of only 52 workmen who became idle due to the stoppage of Sanjeev Coke oven since 16-12-82. Ext. M-32 dated 31-12-82 is a letter from Shri G. D. Pandey, Secretary, RCMS who subsequently raised the present industrial dispute to the Director of Personnel, BCCL regarding illegal and unjustified stoppage from work in respect of workers engaged in Hard Coke oven in different capacities of Sanjeev Coke oven plant with effect from December, 1982. A list in Annexure A is enclosed along with the said letter showing the names of the workmen employed in Sanjeev Coke Oven since before the take over and were stopped from work. The said list contains the names of 134 persons only. WW-1 in his cross examination has denied that the dispute was raised in respect of 134 workmen before the conciliation officer. He has further stated that his union had raised the dispute in respect of 266 persons in the conciliation. The documents Ext. M-32 gives a different picture and shows that Shri G. D. Pandey had raised the dispute in res-

pect of only 134 workmen before the management. Ext. M-4 dated 28-12-83 is the petition by Shri G. D. Pandey, Secretary to the ALC (C), Dhanbad by which he raised an industrial dispute in respect of the workmen engaged in Sanjeev Coke Manufacturing Company. Ext. W-9 is a petition dated 4-8-80 to the Labour Supdt., Government of Bihar, Dhanbad regarding stoppage of work and payment of less wages of the workmen of Sanjeev Coke Manufacturing Company. This was a petition containing the names of 54 workmen with thumb mark. It is stated in this petition that they had worked in Coke oven plant as contractors workers. It contains the names of 54 workmen only. No reason has been stated as to why the other concerned persons did not associate with this complaint petition before the Labour Supdt. The Labour Supdt. of the Bihar Government WW-3 had first visited the coke oven on 29-8-80 and his report Ext. W-10 shows the names of 176 workmen. Ext. W-12 dated 22-2-81 is another report of the Labour Supdt. WW-3 in which the names of 184 concerned persons are stated WW-3 has also stated that he had got employment cards like Ext. W-1 series issued to all the 184 concerned persons. Ext. M-5 is the register of wages which shows list of 179 persons. This contains the signature of Aftab Ahmed and it does not contain the revenue stamp on the payment of wages to the workmen. The column of this wage register are not all filled up properly. The Labour Supdt. has himself admitted that the Register of wages Ext. W-5 did not contain revenue Stamp on the payment and that all the columns of the payment sheets were not filled up. Thus the register of wages also does not show the names of all the concerned 184 persons. Ext. M-6 is the Attendance Register of 16-10-82 containing the names of 60 persons, attendance of 23-10-82 containing names of 57 workers, attendance dated 6-11-82 containing the names of 59 workers, attendance of 13-11-82 containing the names of 59 concerned persons, attendance of 20-11-82 containing names of 65 workers, attendance of 27-11-82 containing the names of 59 workers, attendance of 4-12-82 containing 59 workers, attendance of 11-12-82 containing names of 67 workers. Thus attendance in Ext. M-6 also does not show the names of all the concerned 184 persons. The above different list containing the names of the concerned persons do not show that all the concerned 184 persons were working in Sanjeev Coke Oven plants as contractors workers.

The case of the management is that the workmen have manufactured the documents for the purpose of this case. It is admitted by WW-2 a workman concerned in this case that the card of Ram Sakal Ram (WW-1) is also included in the employment card Ext. W-1 series although WW-1 has stated that he was appointed by Shri Ajmera, Proprietor of Sanjeev Hard Coke Bhatta. WW-2 has stated that the wage sheets Ext. M-12 are in his writing and it does not contain the signature of the Manager. He has stated that the wage sheets Ext. M-12 are in his writing and it does not contain his signature. He has also stated that he had not handed over the attendance Register Ext. M-6 to the interview committee or to the take over committee of BCCL. WW-1 has stated that they had got the employment card so that they may get employment after the coke oven is taken over by BCCL. It is clear therefore that the employment cards were obtained with the purpose foreseeing that they would claim their employment on the basis of the employment card. The Labour Supdt. WW-3 was not a regular visitor to the Sanjeev Coke oven plant. He had visited the plant on receiving the petition Ext. W-9 dated 4-8-80 and thereafter he made enquiry. It is clear therefore that the concerned persons had obtained the presence of Labour Supdt. on their petition and were present when he visited the coke oven. The noting of the names of 184 concerned persons by the Labour Supdt. WW-3 in his report Ext. W-12 in itself cannot establish that they were all regular workmen in Sanjeev Coke oven plant. The possibility of collecting all those persons on the lure of getting employment cannot be ruled out and it is quite possible that 184 concerned persons had gathered at the time when the Labour Supdt. had visited the coke oven plant on 22-2-81. The presence of the Labour Supdt. of the Government of Bihar for inspection in the coke oven plant which was a subject matter of the Central Government is also not free from doubt. The Labour Supdt. had not inspected the said coke oven plant earlier and it was an arranged inspection in the absence of the management of Sanjeev Coke oven plant and 272 GI/90-7

thus the report of the Labour Supdt., Government of Bihar does not appear to be so impressive so as to put much reliance on his evidence and report.

It will appear from the evidence of WW-3 the Labour Supdt. that the reports Ext. W-10 and W-12 were prepared on his latter pad and not on the official paper. WW-3 has no doubt stated that he had obtained all the documents and papers in connection with enquiry from the office of ALC but he had not taken permission of the ALC to shift records from the office. MW-3 Shri Daya Saran Pandey is working as Sr. Selection Grade Clerk in the office of the ALC, Bihar, Dhanbad. He has stated in his evidence that if Shri Kusheswar Pd. Singh (Labour Supdt. WW-3) had to take any paper after his transfer from the office of the ALC, Dhanbad he had to take permission from ALC, Bihar, Dhanbad. WW-3 Shri Kusheswar Pd. Singh however stated that he had no need to take permission to take the papers from the office of the ALC, Bihar Dhanbad although he had already been transferred to other place. It appears therefore that WW-3 had not brought the papers from the office of the State ALC, Dhanbad and that he had brought those papers from his own possession. This also shows that the report were not officially made and was of doubtful nature.

It has been submitted on behalf of the management that the documents such as Attendance Register, pay sheets filed by the workmen is false and fabricated and that they have been specifically manufactured for the purpose of this case to show that the concerned persons were working in Sanjeev Coke Oven plants. The management have examined MW-4 Shri J. K. Samuel, Asstt. Government Examination of questioned documents, Central Forensic Institute, Calcutta to show that the original Attendance Register Ext. M-24 and M-24/1 and the original wage sheets marked Ext. M-23 to M-23/9 were of spurious nature. The opinion and report of MW-4 Asstt. Government Examination of questioned documents shows that he had examined the writings on the above exhibits and after scientific examination of the documents he reached to the above conclusion. The reasons for holding the said opinion are set forth in detail in Ext. M-24. The opinion Ext. M-25 shows that entorse comparison of the writings in the red enclosed portion marked Q-1 to Q-46 were also written by one and the same person. He found that the colour intensity and lustre of the ink used in writing the entire entries marked Q-47 to Q-50 and the entries representing letter 'P', 'A' or 'R' for working days in the writing marked Q-67 to Q-70 appear similar which is anomalous in the Attendance Registers Ext. M-24. He also found the colour intensity and lustre of the ink used in writing the entire entries marked Q-113 to Q-117 appear similar which is anomalous in the Attendance Register Ext. M-24/1. He also found artificial soiling of the paper surface in the writing marked Q-52, Q-54, Q-57 to Q-60 to Q-63, Q-64, Q-67, Q-69 and Q-73 to Q-78 which was anomalous. Letter 'A' are linked together in the entries against Sl. No. 37 of the writing marked & 114 which is anomalous. The above anachronistic feature shows the spurious nature of the 2 attendance Registers Ext. M-24 and M-24/1. His report also shows that the portion stamped and marked by him as Q 1 to Q 46 were all written by one and the same person. The said marks by the Finger Print expert are in the original register of wages marked Exts. M-23 to M-23/9 the photo copy of which is marked Ext. M-12 in this case. It will thus be clear from the evidence of the Finger Print Expert MW-4 and the writing in Ext. M-25 that the Attendance Registers Ext. M-24 and M-24/1 and the wage sheets Ext. M-23 to M-23/9 are all spurious documents and those documents cannot be relied to support the case of the concerned persons.

MW-4 is an independent person having no connection with either of the parties and as such there appears to be no reason as to why he would come to depose falsely. Moreover, the said opinion was not an opinion of single individual but the same opinion was also given by Shri Santok Singh, Govt. Examiner who had examined the documents independently and had arrived at the same conclusion. Thus the opinion of the experts could not be brushed aside.

The management of BCCE had also got examined the thumb impressions on Ext. M-23/1, M-23/7 and M-23/9. These exhibits M-23/1, M-23/7 and M-23/9 are the original sheets containing thumb marks of some persons stated to have received wages. The Finger Print on the said document were examined by MW-6 Durga Madhav Padya, Inspector, Central Finger Print Bureau, Calcutta. He is working as Finger Print Expert. He has stated that he had received 3 sets of wage sheets from BCCL for examination of Finger Prints and it was examined by him and Shri M. M. Singh Walla, D.S.P. of the Bureau. The report of the Finger Print Expert is given in the opinion which was forwarded with the forwarding letter Ext. M-37. The experts have detailed the result of the examination in the report and it is needless to re-write the same in this order. However, it will appear from the finding and the result of the examination of the experts that there was a clear case of cheating because most of the impressions have been represented by the same fingers which may go a long way in proving the case of the management. The important features in the thumb impressions were that many of the finger impressions as shown in the reports were identical with each other and were made by the same finger. MW-6 has stated that they had examined 113 Finger Prints of the three wage sheets. He has stated that BCCL had sent written questionnaire in respect of the Finger Prints to be examined by the same fingers which may go a long way in proving the thumb marks properly and that they submitted the report in accordance with the questionnaire in order to support the case of BCCL. Except for the said suggestion nothing has been taken out from the evidence of MW-6 that any part of his finding on the questioned document was not correct. I do not see any reason to disbelieve the evidence and the reports of the Finger Print experts.

In view of the evidence discussed above it will appear that the Attendance Registers Ext. M-24 and M-24/1 and the wage sheets Ext. M-23 to M-23/9 are spurious and fabricated documents.

In further support of the fact of the spurious nature of the register of wages the management had produced photo copy of the wage sheets of the period ending 14-2-81. The last page of Ext. M-5 shows that the said document was inspected by the Labour Supdt. WW-3. On perusal of Ext. M-5 it will appear that the said form of the register of wages was printed by Star Press Jharia. The other register of wages Exts. M-23/1, M-23/2, M-23/5, M-23/6, M-23/9, are of the period ending 23-8-80 and they are all of the year 1980. On perusal of the forms of this register of wages it will appear that they were all printed by Tara Press Jharia. MW-1 Shri R. G. Singh has stated that he had sent a letter Ext. M-19 dated 7-4-1986 to M/s. Tara Press Jharia requesting to confirm the date on which the register of wages were printed in his press and as to when delivery of the same was taken over from his press. In response to the said letter the Proprietor of Tara Printing Press gave his letter Ext. M-20 dated 10-5-1986 to BCCL. It is stated by the Proprietor of Tara Printing Press that his firm M/s. Tara Printing Press was established in June, 1982. Thus it will appear that although the form of register of wages were printed by Tara Printing Press sometimes after June, 1982 as the said press could not have printed the same prior to its establishment. The strange thing about this document is that they purport to have shown the payment of wages for the year 1980 in these sheets. If the forms of the said exts were printed after June, 1982 it is evident that the entries shown in these documents regarding payment of wages during the year 1980 to the concerned persons was subsequently written after June, 1982 and as such these documents are entirely spurious and fabricated for showing that the wages had been paid and the concerned persons had given their thumb marks and signature on it in the year 1980 in proof of payment of wages.

In view of the above fact that the Attendance Registers Ext. M-24 series and the wage Register Ext. M-23 series are fabricated and spurious documents the same cannot be accepted in support of the case of the concerned persons and it has to be held as submitted by the management

of BCCL that the concerned persons and their union have tried to fabricate the documents in order to support the case of the concerned person.

The case whether all concerned 184 persons were engaged by the Sanjeev Coke Oven can be examined also with reference to the fact of amount to wages paid to them. It will appear from Ext. M-7/2 that the management of Sanjeev Coke Manufacturing Company used to pay Rs. 3950.00 per week to the contractor Shri Ekbal Ahmed for the charging and discharging of bhatta. If all the 184 persons had been engaged as contractors workers the amount of Rs. 3950.00 in week for their wages was too small. Even if the said amount is equally divided to the 184 concerned persons the wages to each concerned person will come to less than Rs. 22/- per week. Thus the daily wages of each concerned person would not come to more than Rs. 3.50 p. per day. Besides that the contractor also must have his share in the said amount for his contract work. Realising the said difficulty it has been tried to be shown by the workmen that the management of Sanjeev Coke Oven was paying separately more amount for the payment of the wages of the concerned person but there is absolutely no document to show that the management of Sanjeev Coke Oven was paying more than the said amount of Rs. 3950/- per week to the contractor Ekbal Ahmed for payment of wages. This aspect of fact also shows that Ekbal Ahmed contractor has not engaged all the 184 concerned persons. The report of the Labour Supdt. shows that the concerned persons had represented to him that they were being paid between Rs. 40 to Rs. 30/- per week and some of them were being paid @ Rs. 5.25 per day. If the said statement given before the Labour Supdt. about the wages paid to the concerned persons is taken to be correct, it will appear that all the concerned persons could not have received the said amount as alleged by them out of the total amount of Rs. 3950/- being paid to the contractor Ekbal Ahmed per week.

MW-2, Dipankar Gupta is working as Dy. Chief Engineer (Coke) BCCL. He is specialised in Hard coke making and is the Head of the Coal Projects department of BCCL. He had visited Sanjeev Coke Oven in 1983 and found it in closed condition. He had found 42 ovens and 21 chimneys in Sanjeev Coke Oven at that time. According to him the full production capacity of the said oven and Chimney can be 40 tonnes per day and for that 60 to 70 persons were required for its working Sanjeev Hard Coke is a behive coke which has no by-product. He has stated that it is not necessary for BCCL to open the working of Sanjeev Coke Oven considering the short demand of hard coke and the loss to be sustained. According to the case of the workmen also the production of coke was about 50 tonnes per day. W-1 has stated that 4-1/2 tonnes of Coal used to be put in each oven of Sanjeev Coke Oven plants. He has stated that the Coke used to be taken out from the Coke Oven on the 4th day after 72 hours. He has stated that there were 42 Oven in Sanjeev Hard Coke Bhatta and that some of the Oven are also in repairs sometimes. Thus it appears from his evidence also that the number of 184 concerned persons was not required to work the said coke oven.

Considering the entire evidence discussed above it will appear that the only reliable evidence in respect of the contractors workers employed in Sanjeev Coke Oven plants appear in Ext. M-38 containing the list of the workers of Shri Ekbal Ahmed contractor engaged in the coke oven plant. It bears the signature of the contractor Ekbal Ahmed, Aftab Ahmed Supervisor for the contractor WW-1 Ram Sakal Ram one of the concerned workman and Shri Om Prakash Gupta, Manager. Now the concerned persons cannot say that was not an admitted list of the contractors workers. Accordingly I hold that the said concerned persons named in Ext. M-38 were the contractors workers working in Sanjeev Coke Oven as on 15-12-1982.

I hold therefore that the concerned 71 persons named in Ext. M-38 were the contractors workers and that they were not the departmental workers of Sanjeev Coke Manufacturing. Thus point No. 4 are accordingly decided.

I have held above that only the concerned 71 persons named in the list in Ext. M-38 were the contractors workers Ekbal Ahmed who were engaged in Sanjeev Coke Oven for charging and discharging of bhatta and that the other concerned persons were neither the contractors workers nor the workmen of Sanjeev Coke Manufacturing Company. The points which now arise is whether the concerned 71 persons who were contractors workers were in fact the workmen of Sanjeev Coke Oven plant. The workmen have based their case on the decision reported in 1978 (II LLJ Page 397) Hussainbhai's case. In order to appreciate the point I briefly state that Sanjeev Coke Oven plant was a beluvs coke producing only hard coke. The main work was the production of hard coke and the said hard coke was made from coal after charging and discharging in the Bhatta and the said job of charging and discharging of the Bhatta were done by the 71 concerned persons as held by me. It is no doubt admitted that the concerned persons were not the direct employees of Sanjeev Coke Oven and that the owners of Sanjeev Coke Oven were getting charging and discharging of the bhatta through contractors workmen. Their Lordships have laid down in Hussainbhai's case the true test as to who will be the real employer in such a case—whether the management or the intermediate contractor. Their Lordships held that the true test is whether a worker or group of workers labours to produce goods and these goods or services are for the business of another, that other is, in fact, employer. He has economic control over the workers subsistence, skill and continued employment and if the management for any reason chokes off, the worker is virtually laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship is of no consequence, when on lifting the veil or looking of the conspectus of factors governing the employment, we discover the naked truth though draped in different paper arrangement, that the real employer is the management not the immediate contractor. Their Lordships held that the Court must be astute to avoid the mischief and achieve the purpose of law and not be mislead by the maya of legal appearance. It will appear that the job being performed by the contractors workers was an integral part of the manufacture of the coke for which the coke oven was established.

Every worker who works for the principal employer to whom the provision of contractor labour Act are attracted, has to be treated as the worker of the principal employer unless 2 conditions are satisfied :—

- (1) That the establishment had secured a certificate of registration for the relevant period and
- (2) It had employed contract labour through a licensed contractor.

If either of the conditions are missing then the contract labour employed through the contractor shall be treated to be the "worker" of the employer. Admittedly in the present case contractor Ekbal Ahmed had not obtained any licence to work as contractor. There is also no evidence to the effect that the management of Sanjeev Coke Oven had obtained a certificate of registration for the relevant period. In the present case therefore neither of the 2 conditions are specified and as such the 71 contractor labour employed by the management of Sanjeev Coke Oven through the contractor Ekbal Ahmed has to be treated as the worker of the employer. In the above view of the matter I hold that 71 concerned persons were the workmen of the Sanjeev Coke Oven of Sanjeev Coke Manufacturing Company. Accordingly I hold that there was relationship of employer and employee between Sanjeev Coke Manufacturing Company and the concerned 71 persons.

Point No. 6

It appears from the evidence that the concerned 71 persons were working in Sanjeev Coke Oven plant at the time the Sanjeev Coke Oven plant was nationalised and they were working even till 15-12-1982. The Hon'ble Supreme Court held that the nationalisation of the Coke Oven plant

was constitutional and valid piece of legislation but the possession and management of the Sanjeev Coke Oven was not handed over to M/s. BCCL until a decision by the Hon'ble Supreme Court directing Shri Ajmera to hand over possession dated 29-7-1983 and its actual possession being taken by M/s. BCCL on 20-9-1983. It will thus appear that the concerned 71 persons although contractors workers were the workmen of Sanjeev Coke Oven at the time of its nationalisation and they continued to work in Sanjeev Coke Oven during the period of Receivership pending the Writ petition and that their work was stopped in December, 1982. Thus it is clear that the concerned 71 persons were working at the time of nationalisation and also after nationalisation. I have held above that the employment of the concerned 71 persons under the contractor has to be taken as their employment under the management of Sanjeev Coke Oven. In accordance with the Coking Coal Mine (Nationalisation) Act the concerned persons therefore will be deemed to continue as workmen of the management of BCCL as they were workmen of Sanjeev Coke Oven on the date of nationalisation.

Another factor has cropped in. Although the concerned persons were working at the time of nationalisation of Coke Oven plant they were stopped from 15-12-1982 and at that time M/s. BCCL had not taken possession and the management of Sanjeev Coke Oven plant. M/s. BCCL came in actual possession on 20-9-1983. Thus although the concerned persons were working in Sanjeev Coke Oven at the time of nationalisation the Coke Oven plant was closed in December, 1982 and the management of BCCL came in possession of the management of Sanjeev Coke Oven on 20-9-1983. It will appear that BCCL came in possession of closed establishment. It has been held in 1957 (1) LLJ—235 Pipraich Sugar Mills vs. Pipraich Sugar Mills Madoor Union and in 1960 (II LLJ page 1) (Hithar Singh Manufacturing Co. Ltd.—vs—Union of India) that there can neither be any industrial dispute nor any industrial adjudication with respect to the closed industrial establishment. As the Sanjeev Coke Oven plant has been closed towards the end of 1982 when it was still in possession of Shri P. D. Ajmera in the capacity of Joint Receiver, there can be no dispute between the workmen of Sanjeev Coke Oven plant and the management of M/s. BCCL as the said industrial establishment was closed when M/s. BCCL came in possession and the management of Sanjeev Coke Oven plant.

It will also appear from the notes of the Director of Personnel in Ext. M-13 dated 12-2-1985 that the management of BCCL had decided that the said coke plant was not required to be run by BCCL. Thus it appears that Sanjeev Coke Oven was closed in December, 1982 and the present management of M/s. BCCL do not intend to restart the said coke oven plant as it is uneconomical to start the said coke oven. It is now 1990 and BCCL has not actually started working Sanjeev Coke Oven. It appears therefore that M/s. BCCL genuinely feels that Coke Oven plant is not to be reopened for the manufacture of coke. Taking all these factors into consideration I hold that there can be no industrial dispute in respect of the closed Sanjeev Coke Oven plant and as such the concerned 71 persons cannot be regularised or allowed to resume duties in a closed industrial establishment.

I hold therefore that the concerned 71 persons cannot be allowed to resume duties and regularisation on the rolls of BCCL.

The concerned persons had not worked in Sanjeev Coke Oven after M/s. BCCL took its possession and the management on 20-9-1983 and as such the workmen cannot claim arrears of wages for the period of their idleness and difference of wages for the period of their previous service under Sanjeev Manufacturing Company from M/s. BCCL.

In the result, I hold that the demand of RCMS that the management of M/s. BCCL should allow resumption of duties by regularisation on their rolls, the concerned 184 persons, who claim to have worked previously in Sanjeev

Coke Oven taken over by BCCL, after nationalisation, and pay them wages for the period of their idleness as well as difference of wages said to be due to them for the period of their previous service is not justified and consequently they are entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer.

[No. L-20012 (320)/85-D. III (A)/IR (Coal-I)]

नई दिल्ली, 30 जनवरी, 1990.

का.प्र. 433-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार संसद भारतकोकिंग कोल लि. का सिजुआ भक्ष सं. 5 का कनकनी ओपन कास्ट परियोजना के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-1990 को प्राप्त हुआ था।

New Delhi, the 30th January, 1990

S.O. 433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kankanee Open Cast project of Sijua Area V of M/s. BCCL and their workmen, which was received by the Central Government on 22-1-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 217 of 1987

In the matter of an industrial dispute Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Kankanee Open Cast Project of Sijua Area-V of M/s. B.C.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri K. D. Prasad, Secretary, C.M.E.W.A.

On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 15th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/3/87-D.IV (B), dated, the 24th July, 1987.

SCHEDULE

"Whether the action of the Management of Kankanee Colliery (Open Cast Project) of Sijua Area-V of M/s. Bharat Coking Coal Ltd., P.O. Bansjora, Dist. Dhanbad in not regularising S/Shri Ganesh Chandra Rikshit and Om Prakash Mondal as Auto Electrician in Excavation Grade-D after completion of Training

for one year is justified? If not, to what relief the concerned workmen are entitled?"

The case of the workmen is that the concerned workmen S/Shri Ganesh Chandra Rikshit and Om Prakash Mondal were appointed as trainee auto Electrician vide letter dated 30-1-82 for one year training as Auto Electrician on consolidated wages of Rs. 17.20 P. only. The concerned workman Shri Om Prakash Mondal joined on 1-3-82 and Shri Ganesh Chandra Rikshit on 20-2-82. The two concerned workmen were regularised in Group-E as Auto Electrician Helper by letter dated 15-12-83 after completion of their training for one year. The concerned workman Shri Rikshit had completed one year of training on 19-2-83 and Shri Mondal had completed one year training on 24-2-83 and as such they should have been regularised with effect from 20-2-83 and 25-2-83 respectively as Auto Electrician in Group-D. The two concerned workmen were transferred to Kankanee Colliery of Sijua Area with effect from 28-9-83. The concerned workmen requested for their regularisation as Auto Electrician in Group-D and they were given assurance by the management of Joga Fire Project that their case for regularisation has been forwarded to the Area Office and that on receipt of the order they would be regularised as auto Electrician. The concerned workman were wrongly regularised as Auto Electrician Helper Group-E with effect from 1-12-83 and they were wrongly paid the wages of Auto Electrician Helper. The concerned workmen had been appointed as Auto Electrician trainee and after completion of one year of training it was proper that they should be regularised as Auto Electrician Helper in Group-D. The concerned workmen were independently doing the Auto Electricians job on Shovel Dumper, Dozer and drill etc. in Joga Fire Project and in Kankanee Open Cast Project. The concerned workmen several times requested the Colliery management for their regularisation as Auto Electrician Excavation Group D and to pay them the scale of wages of Group-D. Thereafter on 5-10-85 the concerned workmen filed petition before the Supdt. of Kankanee Colliery and thereafter their union, namely, the Coal Mines Engineering Workers Association also wrote for their regularisation to the management of Kankanee Colliery and the General Manager and Personnel Manager of the Area but their demand was not conceded. Thereafter their union raised an industrial dispute before the ALC(C), Dhanbad who started conciliation proceeding. On failure of the conciliation proceeding the present reference was made to this Tribunal by the Government. On the above facts it is prayed that the concerned workmen Ganesh Chandra Rakshit and Om Prakash Mondal should be regularised as Auto Electrician Group-D and be paid the wages of Group-D with effect from 20-2-83 and 25-2-83 respectively along with other benefits.

The case of the management is that the concerned workmen have been seeking promotion in the garb of the term "regularisation" which is not permissible. The promotion is a management's function and cannot be claimed as a matter of right. It is admitted that the two concerned workmen were appointed as trainee Auto Electrician vide letter dated 30-1-82 for one year training as Auto Electrician and that Om Prakash Mondal joined on 1-3-82 and Shri Rikshit joined on 20-2-83. They were regularised in Group-E as Auto Electrician Helper by letter dated 15-12-83 after they completed one year training. The management decided that such trainees should be trade tested in the respective projects by a committee to be constituted by the Chief Engineer, Excavation department with one Supdt. Excavation of Vikash Bhawan, Dy. P.M. Excavation Vikash Bhawan, concerned project Manager and Executive Engineer of the Project on the recommendation of the said departmental selection committee such trainees may be regularised in Excavation Group-E as Auto Electrician helper on successful completion of one year service as helper. It was also decided that their case of regular placement in the appropriate grade will be made after adjudging suitability through practical trade test. Immediately after completion of one year training the concerned workmen were neither eligible nor qualified for regularisation in excavation Executive Group-D. According to the management there is no merit in the demand of the workmen. It was not a condition of employment of the concerned workmen that they shall be regularised in Group-I after one year training. On the above facts it is prayed that the Award be made in favour of the management.

The point for decision in this case is whether the two concerned workmen are entitled to be placed as Auto Electrician Excavation in Excavation Group-D with effect from 11-2-82.

The workmen examined two witnesses and the management examined one witness in support of their respective cases. The documents of the management are marked Exts. M-1 to M-10 and the documents of the workmen are marked Ext. W-1 to W-8.

It is now admitted that the concerned workmen have been given auto Electrician Group-D vide Ext. W-1 dated 26-5-1989 with effect from 30-1-83. It is further stated in the office order Ext. W-1 that the effective date for financial benefit will be on and from 11-11-86 as approved by the competent authority. Thus it will appear that although the two concerned workmen were placed as Auto Electrician Group-D Excavation with effect from 30-1-83 they were not given the wages of Group-D from 30-1-83 to 10-11-86. The workmen have however conceded that they would accept their regularisation of auto Electrician in Group-D with effect from 30-1-83 but they demand that they should also get wages of Group-D or the difference of wages of Group-E or Group-D from 30-1-83 to 10-11-86. MW-1 Shri R. B. P. Sahi working as Sr. P.O. has stated in his cross-examination that auto Electricians are given Group-D Excavation. He has not stated any reason as to why the concerned workmen were not given the wages of Group-D from 30-1-83 to 10-11-86 although the concerned workmen were placed in Group-D with effect from 30-1-83. The office order Ext. W-1 also does not give any reason as to why the concerned workmen were not given the wages of Group-D from the date they were placed in Excavation Group-D. WW-1 and WW-2 are the two concerned workmen whose evidence will show that they have been regularised as Auto Electrician in Group-D excavation with effect from 30-1-83 but have not been paid the wages of Group-D with effect from 30-1-83. They have stated that their demand is for payment of wages of Group-D from the date they had completed one year of the period of their training as Auto Electrician. It will also appear from his evidence that although they were regularised as Auto Electrician helper they continued working as Auto Electrician in Kankane Colliery Open Cast Project. Ext. W-3 and W-4 are the appointment letters of the two concerned workmen which show that they were appointed to the post of Trainee auto Electrician for a period of one year and as such they should have been regularised as Auto Electrician after their successful training. Ext. W-6 is a circular dated 14/15-10-86 issued by the Addl. Chief Personnel Manager (MP and R) Directorate of Personnel, Koyala Bhawan to all General Manager which shows that on completion of one year period of training the auto Electricians (trainee) working in the O.C.Ps in Auto side of HEMM like Dovers, dumper etc. will be regularised as auto Electrician in Excavation Grade and that such of the Electrician of Excavation Grade who were being treated as auto Electrician need not have statutory qualification. Thus although the circular was made in October, 1986 it shows that on completion of one year period of training, the auto Electricians trainee working in the O.C.P. will be regularised as Auto Electrician in Excavation Grade-D. It is clear, therefore, that the concerned workmen should be placed as Auto Electrician in Excavation Grade-D after completion of one year period of training as Auto Electrician trainee. It appears that it was because of this circular that the concerned workmen were regularised as Auto Electrician in Group-D after they had completed one year period of their training. The workmen have submitted that the management had discriminated in not regularising them as Auto Electrician in Group-D from the very beginning and had placed them previously as Auto Electrician helper in Group-E although the management in the case of other Auto Electrician had placed them in Group-D after completion of one year period of their training. Ext. M-7 is another letter from the Dy. Chief Personnel Manager from Directorate of Personnel Koyala Bhawan which shows that while some of the areas on completion of one year period of training have regularised them in Excavation Grade-F remaining areas have given them Excavation Grade-D which has created serious inconsistency in regularisation between different Areas. It further states that the matter has been examined and it has been decided that shovel operators, Dumper Operators etc. should be extended to regular scale of Excavation and should be given Group-D on completion of one year training. It appears therefore that formerly there was confusion

in the different collieries about the placement of the Auto Electrician trainee, the shovel operators and others working in the Excavation which was resolved by the management by their circulars and they were placed in Excavation Grade-D after completion of the period of the training. The workmen have referred to the office order Ext. W-8 dated 22/23-3-88. It shows that Auto Electricians of East Bussariya Colliery were regularised in Excavation Grade-D with effect from the date they had completed one year of training as Auto Electrician and there was no clause in it that the effective date for financial benefit will be from any subsequent date as has been stated in the case of the concerned workmen in Ext. W-1. Ext. W-8 will show that the 4 Auto Electricians were allowed Excavation Group-D with effect from the date of completion of one year of their training. It is clear therefore that the management has discriminated in the case of the concerned workmen in refusing to pay them the difference of wages of Excavation Group E and D from 30-1-83 to 10-11-86. The management ostensibly had no reason to withhold the payment of difference of wages to the concerned workmen from 30-1-83 to 10-11-86 when the management had placed them in Excavation Group-D with effect from 30-1-83. In the above view of the matter the management has to pay the wages of Group-D/difference of wages of Group-E and Group-D to the two concerned workmen from 30-1-83 to 10-11-86.

As the workmen have accepted their placement in Excavation Grade-D as Auto Electrician with effect from 30-1-83, now there is no dispute regarding their regularisation in Excavation Group-D.

The W.S. and also in the evidence the concerned workmen have stated that the Tribunal should promote them in Excavation Grade-C in as much as some of the Auto Electricians in Group-D who were their colleagues have already been promoted to Group-C. The scope of the schedule to the order of reference is confined to the decision whether the management was justified in not regularising the concerned workmen as Auto Electrician in Excavation Group-D after completion of training for one year and there is no reference made to me in the schedule to the reference that I should also decide whether the concerned workman should be promoted to Excavation Group-C. Moreover the matter of promotion is management's prerogative in which several facts have to be looked into such as number of years of experience, qualification and whether any vacancy exists in the higher Grade-C. The matter of promotion is not before me and hence I refrain from discussing and passing any order on the same.

In the result, I hold that the action of the management of Kankane Colliery of Sijua Area No. V of M/s. BCL in not regularising the concerned workmen S/Shri Ganesh Chandra Rikshit and Om Prakash Mondal as Auto Electrician in Excavation Group-D after completion of training of one year was not justified. However, the management has now regularised the concerned workmen by placing them as Auto Electrician in Excavation Group-D with effect from 30-1-83 and now there is no dispute regarding the regularisation of the concerned workmen to Excavation Group-D. The management, however, has to pay the difference of wages of Group-E and D to the concerned workmen from 30-1-83 to 10-11-86 as the management has already put a restriction for the payment of the difference of wages for the said period. The management is directed to pay the difference of wages of Excavation Group-E and Excavation Group-D to the concerned workmen from 30-1-83 to 10-11-86 within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer
[No. I-24012(3)/87-D.IV (B)/IR (Coal-I)]

का.प्रा. 434--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसूर भारतकोकिंग कोल लिमिटेड का रिजिनल स्टीर गोविन्दपुर एरिया के प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (में 1) धनबाद के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-1990 को प्राप्त हुआ था।

S.O. 434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Regional Store under Govindpur Area of M/s. BCCL and their workmen, which was received by the Central Government on the 22-1-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 81 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Regional Stores under Govindpur Area of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri G. D. Pandey, Vice President, R.C.M.S.

On behalf of the employers—Shri M. P. Singh, Personnel Manager.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 15th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(290)/86-D.III (A), dated, the 13th February, 1987.

SCHEDULE

"Whether the management of Regional Stores under Govindpur Area of M/s. Bharat Coking Coal Limited is justified in not regularising the services of S/Shri Khalil Ansari, Jyotilal Mahato and G. P. Singh, Assistant Store Keepers as Store Keepers in Clerical Grade-I ? If not, to what relief the workmen are entitled ?"

In this case both the parties instead of filing W.S. documents etc. filed a Joint Compromise petition under their signature. I heard both the parties on the said petition of Joint compromise and I find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the Joint Compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
{No. L-20012(290)/86-D.III (A)/IR (Coal-I)}

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II DHANBAD

Reference No. 81/87

Employers in relation to the management of Regional Stores under Govindpur Area No. III of M/s. Bharat Coking Coal Limited ;

AND

Their Workmen.

Joint Compromise petition of the employers and workmen.

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the Central Government by Notification No. 1-20012(290)/86-D.III (A) dated 13-2-1987 has been pleased to refer the present dispute on the following issue.

SCHEDULE

"Whether the management of Regional Stores under Govindpur Area No. III of M/s. Bharat Coking Coal Limited is justified in not regularising the services of S/Shri Khalil Ansari, Jyoti Lal Mahato, and J. P. Singh, Asstt. Store Keeper as Store Keeper in Clerical Grade-I ? If not, to what relief the workmen are entitled ?"

2. That, without prejudice to the respective contention of the parties contained in their pleadings, the dispute has been amicably settled on the following terms :—

TERMS of SETTLEMENT

(a) That, considering the facts of the concerned workmen S/Shri Khalil Ansari, Jyoti Lal Mahato and Shri J. P. Singh, Asstt. Store Keeper have already been promoted from Clerical Grade-II to Grade-I in the month of July 88 during the pendency of the present dispute. The union does not claim any other benefit except the seniority of the concerned workmen with effect from the date of reference i.e. from 13-2-87.

It has been agreed that notional seniority of the concerned workmen in Clerical Grade-I as Store Keeper will be given from the date of reference i.e. 13-2-87 and the seniority list of the Grade-I Clerks (Store) will be revised accordingly.

(b) That, the concerned workmen will not claim any difference of wages from the date of their claim (i.e. 12th September, 1986) till the date of their promotion in Clerical Grade-I and will not claim for any re-fixation of their scale of pay or grade to disturb the present position.

2. That, in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of settlement.

For the Employers : For the Workmen :

(S. N. P. RAI) General Manager (S. P. SINGH) Personnel Manager	(G. D. PANDEY) Vice President Rashtriya Colliery Mazdoor Sangh
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Witnesses :

- 1.
- 2.
- 3.

का.आ. 435—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसम भारत कोकिंग कोल लिमिटेड के सिन्धुवा एरिया नं. 5 का पी. आर. एल. पी. कर्मकरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (मं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-1990 को प्राप्त हुआ था।

S.O. 435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of P.R.S.P. Kankanee of Sijua Area No. V of M/s. BCCL and their workmen, which was received by the Central Government on the 22-1-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 215 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of P.R.S.P. Kankanee of Sijua Area No. V of M/s. BCC Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri K. D. Prasad, Secretary, C.M.E.W.A. Union.

On behalf of the employers : Shri G. Prasad, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 12th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. J-24012/1/87-D.I(B) dated, the 20th July, 1987.

SCHEDULE

"Whether the action of the Management of P.R.S.P. Kankanee of Sijua Area No. V of M/s. Bharat Coking Coal Ltd., Dhanbad in not placing Sri Mohd. Irfan Ansari, Auto Electrician Excavation in Excavation Group D with effect from 11-2-1982 is justified? If not, to what relief the concerned workman is entitled?"

The case of the workman is that Shri Mh. Irfan Ansari was appointed as an Auto Electrician (Trainee) vide appointment letter dated 14-3-81 in Group E. He was to be under training for one year and thereafter he was to be given his scale of pay of Excavation Group as Auto Electrician. He was posted to Nchitpur O.C.P. vide order dated 14-4-81. After he completed the period of training he was regularised as Auto Electrician in Group E with effect from 11-4-82. The regularisation of the concerned workman in Excavation Group E was not proper and he should have been regularised in Group D excavation as an Auto Electrician with effect from 11-4-82. Excavation Group E is given to Auto Electrician Helper. The concerned workman demanded his regularisation in Excavation Group D and the wages of Group D in April, 1982. He again demanded by letter dated 1-11-85 for regularising him in Group D and payment of the wages of Group D. Thereafter the union of the concerned workman also made a demand for giving Excavation Group D and its scale of pay to the concerned workman and also his promotion to Excavation Group C. When the management should be given Excavation Group D with effect from 11-4-82 along with the difference of wages of Group E & D and that he should be promoted to Excavation Group C.

The case of the management is that the workman have been demanding promotion which is the function of the management and cannot be claimed as a matter of right. It

is stated that the concerned workman does not possess the requisite qualification and experience for being promoted as an Auto Electrician in the Excavation Group D. The concerned workman was temporarily appointed on probation for a period of one year by letter dated 14-3-81 and he joined on 10-4-81. He was appointed as an Auto Electrician Excavation (Trainee) in Group E and as posted at Nchitpur Tetulmary Project by letter dated 14-4-81. He was regularised vide letter dated 12-5-83. The concerned workman does not possess ITI certificate. The job performance of the concerned workman is equivalent to the job of Auto Electrician Helper. M/s. BCCL has introduced cadre scheme for every cadre and no promotion is possible in violation of the cadre scheme of the management. It was not a condition of his appointment that he should be placed as Auto Electrician Excavation in Excavation Group D immediately after completion of one year probation. On the above facts it is prayed that the concerned workman cannot be given Group D and that he is entitled to no relief.

The only point for decision in this case is whether the concerned workman should be placed as Auto Electrician Excavation in Excavation Group D with effect from 11-2-82.

The management and the workmen each examined one witness in support of their respective case. The documents of the management are marked Ext. M-1 to M-7 and the documents of the workmen are marked Ext. W-1 to W-10.

The dispute in the case is now melted down to the point whether the concerned workman should be given the difference of wages of Group E and Group D from 14-3-82 since the management vide its office order dated 26-5-89 ordered that the concerned workman Shri Irfan Ansari will get seniority in Excavation Group D with effect from 14-3-82. This office order Ext. W-9 was passed during the hearing of this reference and as such now there is no dispute about the point whether the concerned workman should get Excavation Group D with effect from 14-3-82 when he had completed one year of his training period. However the office order Ext. W-9 shows that the effective financial benefit will be on and from 11-11-86 as approved by the competent authority. Thus vide this office order the management ordered not to pay the wages of Group D and the difference of wages of Group E and Group D from 14-3-82 to 10-11-86.

As the concerned workman has been given Excavation Group D with effect from 14-3-82 all other controversies whether the concerned workman was entitled to Group D after one year of his period of training or not no longer exists. It will also appear that excavation Group E is given to Auto Electrician Helper and Group D is given to an Auto Electrician. MW 1 Shri R.B.P. Sahi is a Sr. Personnel Officer. He has stated in his cross-examination that the concerned workman was appointed as Auto Electrician Excavation trainee and that auto Electricians are in Excavation Group D. He has further stated that the concerned workman is working regularly and continuously as Auto Electrician. It is clear therefore that the concerned workman was regularly working as Auto Electrician and continuously after the period of his training and this fact also will show that the concerned workman was to be placed in Excavation Group D and he should have been paid the scale of pay of Excavation Group D. The management has given no reason in Ext. W-9 as to why the effective date of financial benefit was given to the concerned workman from 11-11-86. The evidence of the management itself shows that the concerned workman was regularly and continuously working as Auto Electrician and as such there is no reason as to why he should not be given the wages of Excavation Group D with effect from 14-3-82. Ext. W 10 is an office order dated 22/23-3-88 which shows that Auto Electricians who had joined as trainees in 1982 and had completed one year of their training in 1983 were given Excavation Group 'D' in 1983 as soon as they had completed one year of the training. Ext. W-10 shows that the management had given Excavation Group D after completion of one year of the period of training and in their case there is no subsequent date of effective date for financial benefit. It will thus appear that the case of the concerned workman is being discriminated against him whereas in the case of others as shown in Ext.

W 10 others were given Excavation Grade D just after completion of one year of the period of training. In this view of the matter I hold that the concerned workman deserves the scale of pay of Excavation Group D with effect from 14-3-82 and that he should be paid the difference of wages of Excavation Group E and Excavation Group D from 14-3-82.

In the result, I hold that the action of the management of P.R.S.P. Kankanee of Sijua Area No. V of M/s. BCCL in not placing the concerned workman Shri Md. Irfan Ansari Auto Electrician Excavation in Excavation Group D with effect from 14-3-82 is not justified. As now the concerned workman has been placed in Excavation Group D with effect from 14-3-82 there is no need to pass any direction to place in Excavation Group D. The management however, is directed to pay the difference of wages of Excavation Group E and Excavation Group D from 14-3-82 to 10-11-86 to the concerned workman within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(1)/87-D.IV(B)/IR (Coal-I)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 15 जनवरी, 1990

का० आ० 436—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई.सी. लिम. की शंकरपुर ओ.सी.पी. के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसंसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-1990 को प्राप्त हुआ था।

New Delhi, the 25th January, 1990

S.O. 436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shankarpur OCP of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 22-1-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 35/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES:

Employers in relation to the management of Shankarpur O.C.P. of M/s. E.C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employers—Sri P.K. Das., Advocate.

For the Workmen—Sri Manoj Mukherjee, Advocate.

INDUSTRY:—Coal.

STATE:—West Bengal.

Dated, the 12th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-22012 (8)/89-IR(C-II) dated 18-7-1989.

SCHEDULE

“Whether the action of the Management of Shankarpur OCP of M/s. Eastern Coalfields Ltd., in denying clerical Grade-II to S/Sri Azghar Hussian, Nilan Chatterjee, Mongal Mahay Mandal, Sampat Singh, Radhay Shyam Prosad, is justified? If not, to what relief the workmen concerned are entitled?”

2. To-day (12-1-1990) Sri Manoj Mukherjee the learned Advocate for the workmen has submitted that he has no instruction to proceed with the case. He has prayed for passing appropriate order. Sri P.K. Das the learned Advocate for the management is also present.

3. As the learned Advocate for the union has no instruction from his clients to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a ‘no dispute’ award in this case. Hence a ‘no dispute’ award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-22012(8)/89-IR(C II)]

का.सा. 437—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई.सी. लि. की बेलबाई/पारसेना कोलियरी के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसंसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-90 को प्राप्त हुआ था।

S.O. 437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Belbaid/Parasea Colliery of M/s. E.C. Ltd. and their workmen, which received by the Central Government on 22-1-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 18/88

PARTIES :

Employers in relation to the management of Belbaid/Parasea Colliery of M/s. E.C. Ltd.

AND

Their Workman

PRESENT :

Shri N.K. Saha, Presiding Officer.

APPEARANCES :

For the Employers—Sri P.K. Das, Advocate.

For the Workman—Sri Manoj Mukherjee, Advocate

INDUSTRY :—Coal.

STATE:—West Bengal.

Dated, the 4th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication, under Order No. L-24012 (150-87-D.IV(B)) dated the 30th December, 1987

SCHEDULE

"Whether the action of the Management of Belbaid Parasea Colliery of M/s. Eastern Coalfields Ltd., P.O. Toposi, Distt. Burdwan (W.B) in making deduction from wages of Sri Joy Narayan Gope, Dresser, working as Compounder, Belbaid Colliery of E.C. Ltd., is justified? If not, to what relief the concerned workman is entitled?"

2. To-day (4-1-1990) Sri Manoj Mukherjee the learned Advocate for the workman has submitted that he has no instruction to proceed with the case. He has prayed for passing appropriate order. Sri P.K. Das the learned Advocate for the management is also present,

3. At the learned Lawyer for the union has no instruction from his client to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a 'no dispute' award in this case. Hence a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-24012(150)|87-D.IV|IR(C.II)]

का.आ. 438—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई.सी.लिम. की शंकरपुर ओ.सी.पी. बंकोला एरिया के प्रबन्धनत्व से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-90 प्राप्त हुआ था।

S.O. 438.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shankerpur OCP of M/s. E.C. Ltd. under Bankola Area and their workmen, which was received by the Central Government on 22-1-90.

CENTRAL GOVERNMENT TRIBUNAL AT CALCUTTA

Reference No. 83 of 1988

PARTIES :

AND

Their Workmen

Employers in relation to the management of Shankerpur OCP under Bankola Area of ECL

PRESENT :

Mr. Justice Sukumar Chakravarty Presiding Officer.

APPEARANCES :

On behalf of employer—Mr. B. N. Lala, Advocate.

On behalf of workmen.—None.

STATE : West Bengal.

INDUSTRY : Coal.

INDUSTRY :—Coal.

AWARD

By Order No. L-19012(141)/86-D.IV(B) dated 9th June, 1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

272 GI'90—8

"Whether the action of the Management of Shankerpur OCP Bankola Area of E.C. Ltd., P.O. Ukhra (Burdwan) was justified in placing S/Shri Manik Mahataj and Shanku Bhattacharjee, Welder in excavation of Gr. E. from the date of their appointment as such? If not, to what relief the workmen concerned are entitled?"

2. When the case was called out on 8-1-1990. Mr. B.N. Lala, Advocate appeared for the employer but nobody appears for the workmen. A petition had however been received from the Union on that date stating therein that the the Union is not interested to proceed with the present reference and the Union has prayed for a "No Dispute Award". Mr. Lala appearing on behalf of the employer had no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala appearing on behalf of the employer, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Calcutta, the 15th January, 1990

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-29012(141)|86-D.IV.B|IR(C.II)]

का.आ. 439—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ई.सी.लिम. की माधुजोर कोलियरी के प्रबन्धनत्व से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-1-90 को प्राप्त हुआ था।

S.O. 439.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Madhujore Colliery of M/s. E.C. Ltd. and their workmen which was received by the Central Government on 22-1-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : ASANSOL

Reference No. 56/88

PRESENT :

Shri N.K. Saha, Presiding Officer.

AND

Their workmen

PARTIES:

Employers in relation to the management of Madhujore Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri P.K. Das, Advocate.

For the Workmen—Sri Manoj Mukherjee, Advocate.

INDUSTRY:—Coal.

STATE:—West Bengal.

Asansol, the 12th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause of sub-

section (1) and sub-section (2A) of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(36)|88-D.IV(B) dated 29-7-1988.

SCHEDULE

“Whether the action of the Management of Madhujore Colliery of M/s. Eastern Coalfields Ltd., P.O. Dakhinkhanda, Distt. Burdwan in dismissing Sri Badal Majhi No. 2 Underground Loader w.e.f. 21-6-1986, is justified? If not, to what relief the concerned workman is entitled?”

2. To-day (12-1-1990) Sri Manoj Mukherjee the learned Advocate for the workman has submitted that he has no instruction to proceed with the case. He has prayed for passing appropriate order Sri. P.K. Das the learned Advocate for the management is also present.

3. As the learned Advocate for the union has no instruction from his client to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a ‘no dispute’ award in this case. Hence a ‘no dispute’ award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-24012(36)|88-D.IV(B)|IR(C.II)]

का.आ. 440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सैसर्ज ई.सी.लिम. की पोरसेया कोलियरी के प्रबन्धतन्त्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करने है, जो केन्द्रीय सरकार को 22-1-90 प्राप्त हुआ था।

S.O. 440.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Parasea Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on 22-1-90.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL ASANSOL
Reference No. 53/88

PARTIES :

Employers in relation to the management of Parasea Colliery of M/s. Eastern Coalfields Ltd.
AND

Their Workman

PRESENT :

Shri N. K. Saha,
Presiding Officer.

APPEARANCES :

For the Employers—Sri P.K. Das, Advocate.
For the Workmen—Sri Manoj Mukherjee, Advocate.
STATE:—West Bengal.

Asansol, the 12th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(34)|88-D.IV(B) dated 28-7-1988.

SCHEDULE

“Whether the action of the Management of Parasea Colliery of M/s. E.C. Ltd., P.O. Parasea, Distt. Burdwan (W.B) in dismissing Sri Nabani Bouri, General Mazdoor, w.e.f. 9/13-1-1987, is justified?”

If not to what relief the workman concerned is entitled?”

2. To-day (12-1-1990) Sri Manoj Mukherjee the learned Advocate for the workman has submitted that he has no instruction to proceed with the case. He has prayed for passing appropriate order Sri. P.K. Das the learned Advocate for the management is also present.

3. As the learned Advocate for the union has no instruction from his client to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a ‘no dispute’ award in this case. Hence a ‘no dispute’ award is passed.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-24012(34)|88-D.IV(B)|IR(C.II)]

का.आ. 441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सैसर्ज ई.सी.लिम. की माधुजोर कोलियरी के प्रबन्धतन्त्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करने है, जो केन्द्रीय सरकार को 22-1-90 को प्राप्त हुआ था।

S.O. 441.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Madhujore Colliery of M/s. E.C. Ltd., and their workmen, which was received by the Central Government on 22-1-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL ASANSOL

Reference No. 54/88

PRESENT :

Shri N. K. Saha,
Presiding Officer.

PARTIES :

Employers in relation to the management of Madhujore Colliery of M/s. E.C. Ltd.

AND

Their workman

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.
For the Workman—Sri Manoj Mukherjee, Advocate

INDUSTRY : Coal.

STATE : West Bengal.

Asansol, the 12th January, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(35)|88-D.IV(B) dated 28-7-1988.

SCHEDULE

“Whether the action of the Management of Madhujore Colliery of M/s. E.C. Ltd., P.O. Andal, Distt. Burdwan in dismissing Sri Panchan Khan, Underground Loader w.e.f. 21-6-86, is justified? If not, to what relief is the workman concerned entitled?”

2. To-day (12-1-1990) Sri Manoj Mukherjee the learned Advocate for the workman has submitted that he has no instruction to proceed with the case. He has played for passing appropriate order. Sri P. K. Das the learned Advocate for the management is also present.

3. As the learned Advocate for the union has no instruction from his client to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a 'no dispute' award in this case. Hence a 'no dispute' award is passed. This is my award.

N. K. SAHA, Presiding Officer

[No. L-24012(35)/88-D.IVB/IA(C.II)]

का.आ. 442.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लिम. की टिलाबोनी कोलियरी के प्रबन्धनत्व से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट प्रकाशित करता है, जो केन्द्रीय सरकार को 22-1-90 को प्राप्त हुआ था।

S.O. 442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Tilabony Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-1-90.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

Reference No. 15 of 1986

PARTIES :

Employers in relation to the management of Tilabony Colliery of M/s. Eastern Coalfields Limited.

AND

Their workmen

PRESENT :

Mr. Justice Sukumar Chakravarty.—Presiding Officer.

APPEARANCES :

On behalf of employer.—Mr. B. N. Lala, Advocate.
On behalf of workmen.—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L 19012(33)/85-D.IV(B) dated 30th January, 1986, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Tilaboni Colliery of M/s. E. C. Ltd., in dismissing Sh. Jagrup Kewat from 12-5-1984 is justified? If not, to what relief the workman concerned is entitled?"

2. When the case was called out on 10-1-1990, Mr. B. N. Lala, Advocate appears on behalf of the employer but nobody appears for the workmen. A petition had however been received from the Union stating therein that the Union is not interested to proceed with the present reference and the Union has prayed for a "No Dispute Award". Mr. Lala appearing for the employer had no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala appearing on behalf of the employer, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.
Dated, Calcutta,
The 15th January, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(33)/85-D.IV.B/IR(C.II)]

का.आ. 443.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लिम. की श्यामसुन्दरपुर कोलियरी के प्रबन्धनत्व से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट प्रकाशित करता है, जो केन्द्रीय सरकार को 22-1-90 प्राप्त हुआ था।

S.O. 443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shyamsunderpur Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-1-90.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 77 of 1986

PARTIES :

Employers in relation to the management of Shyamsunderpur Colliery of M/s. Eastern Coalfields Limited.

AND

Their workmen

PRESENT :

Mr. Justice Sukumar Chakravarty.—Presiding Officer

APPEARANCES :

On behalf of employer.—Mr. B. N. Lala, Advocate.
On behalf of workmen.—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012/86/86-D.IV(B) dated 11th November, 1986, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the Management of Shyamsunderpur Colliery of M/s. Eastern Coalfields Limited in dismissing Shri Rabi Bouri w.e.f. 14-9-80 is justified? If not, to what relief the workman concerned is entitled?"

2. When the case is called out on 10-1-1990, Mr. B. N. Lala, Advocate appeared for the employer but nobody appeared for the workmen. A petition had however been received from the Union stating therein that the Union is not interested to proceed with the present reference and the Union has prayed for a "No Dispute Award". Mr. Lala appearing on behalf of the employer had no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala appearing for the

employer, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta,
The 15th January, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(86)/86-D.IV (B)/IR (C-II)]

का.आ. 444—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार व सैरज ईस्टर्न कोलफील्ड्स लिम. की चोरा कोलियरी के प्रवर्तन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, आसंसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-90 को प्राप्त हुआ था।

S.O. 444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chora Colliery of M/s. Eastern Coal-fields Ltd., and their workmen, which was received by the Central Government on 19-1-1990.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 29/88

PARTIES :

Employers in relation to the management of Chora Colliery of M/s. E. C. Ltd.

AND

Their Workmen.

PRESENT :

Shri N. K. Saha, Presiding Officer.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.

For the Workmen—Shri Manoj Mukherjee, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 5th January, 1990.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012 (178)/87-D. IV (B), dated 6-3-1988.

SCHEDULE

"Whether the action of the Management of Chora Colliery of M/s. E. C. Ltd., P. O. Bahula, Distt. Burdwan (W. B.) in refusing to pay wages to S/Shri Gopal Dome and 18 others as per Annexure-A, for the period of forced idleness from 15-10-1986 to 2-1-1987 is justified? If not, to what relief are the concerned workmen entitled?"

2. Today (5-1-1990) Shri Manoj Mukherjee the learned Advocate for the workmen has submitted that he has no instruction to proceed with the case. He has prayed for passing appropriate order. Shri P. K. Das the learned Advocate for the management is also present.

3. As the learned Lawyer for the union has no instruction from his clients to proceed with the case, it must be presumed that no dispute exists between the parties. As such I have no other alternative but to pass a 'no dispute' award in this case. Hence a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer.

[No. L-24012(178)/87-D.IV.B/IR (C-II)]

R. K. GUPTA, Desk Officer.

ANNEXURE —A

S/Sri—

1. Gopal Doma
2. Basiruddin Mia
3. Durgadas Mondal
4. Nirod Low
5. Kailash Bhuiya
6. Brinchi Bhuiya
7. Jiaaku Harijan
8. Chotelal Gupta
9. Rafique Mia
10. Lakhn Kora
11. Ram Lal Harijan
12. Jhori Kole
13. Rajesh Pd. Nunia
14. Mailu Maheli
15. Seonandan Mondal
16. Sarban Harijan
17. Rabidas
18. Bijali Harijan
19. Joyanath Harijan

- | | |
|--------------|--|
| P/R Trammer | |
| -do- | |
| -do- | |
| -do- | |
| Wagon Loader | |
| -do- | |
| U.G. Loader | |
| Wagon Loader | |
| P/R Trammaer | |
| -do- | |
| UG Loader | |
| -do- | |
| -do- | |
| -do- | |
| P/R Trammer | |
| U.G. Loader | |
| -do- | |
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व.आ. 445.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन बैंक के प्रबंधन के भवद्व निर्वोधको और उनके कार्यकारी के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद औद्योगिक अधिकरण, भुवनेश्वर के पंचट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial dispute between the employers in relation to the Indian Bank and their workmen, which was received by the Central Government on the 16-1-1990.

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri S. K. Misra, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 22 OF 1989 (CENTRAL)

Dated, Bhubaneswar, the 28th December, 1989.

BETWEEN :

The Management of M/s. Indian Bank, Puri Branch,
Puri ...First Party Management.

AND

Their workman, namely, Shri Biswanath Sahoo, C/o.
Damodar Mishra, Advocate, At : Ramachand Sahi,
P. O./Distt : Puri. ...Second Party workman.

APPEARANCES :

Shri S. B. Nanda, Advocate : For the First Party—
Management.

Shri D. Mishra, Advocate : For the Second Party—
Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred upon them by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), and by their Order No. L12012/897/87-D. II(A), dated 10th July, 1988 have referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Indian Bank, Puri Branch in terminating the services of Shri Biswanath Sahoo, Sub-staff is justified ? If not, to what relief the workman is entitled ?”.

2. It is the case of the second party—workman that he had been empanelled by the Manager of the Bank for engagement as substitute sub-staff against available leave vacancies and he worked as a sub-staff Peon regularly giving attendance every day. On 23-4-1982 on the plea that his services were not required in future, he was terminated. The second party-workman contended that the plea that he was surplus was false, in as much as, after termination of his employment the bank has filled up the vacancies of the post of sub-staff Peons by recruiting outsiders. He alleged that termination of his services was not a case of termination simpliciter but infact, it was retrenchment. He also alleged that the Management of the Bank had repeatedly alleged that his conduct and behaviour were thoroughly unsatisfactory, that his services were found detrimental and prejudicial to the interest of the Bank, that his behaviour was unruly and that he was disobedient and insubordinate and on the basis of those allegations his services were terminated without being given any opportunity to explain away the allegations against him

which according to him were false. Such termination of his services, it is alleged by the second party—workman, is bad in law because it amounts to infliction of punishment on him without any enquiry and in violation of the principles of natural justice. He demanded reinstatement with back wages.

3. The Management of the Bank took the plea in its written statement that the workman Shri Sahoo had simply been empanelled alongwith four others for engagement as substitute on rotation against available leave vacancies. The second party Shri Sahoo was being engaged as a substitute sub-staff against leave vacancies. It was stated that the total period for which the second party Shri Sahoo was engaged in the Bank was 84 days between 12-5-1980 when he was empanelled and 9-4-1982 when his name was cancelled from the Panel. It is the plea of the Management that the second party was not required to work continuously and acquired no right to continuous employment. His engagement was intermittent and he was being paid wages on daily rate for the days he worked against leave vacancies. The further case of the Management of the Bank is that the work and performance of the second party Shri Sahoo during his engagement as substitute was found unsatisfactory and therefore, it was decided not to engage him in future leave vacancies and accordingly his name was removed from the Panel an order dated 23-4-1982. It is disclosed in the management's written statement that the second party Shri Sahoo filed a suit in the Court of the Subordinate Judge, Puri seeking a declaration that the action of the Management of the Bank was illegal and for decree for Rs. 3,360/- towards back wages and compensation. The suit was contested. In course of hearing of the suit prayer was made by Shri Sahoo to transfer the suit to the Central Administrative Tribunal, Cuttack Branch under section 29 of the Administrative Tribunal Act, 1985. The Subordinate Judge passed an order on 22-7-1987 recording his finding that he had no jurisdiction to try the suit in view of the provisions of the Administrative Tribunal Act, 1985 and ordered return of the plaint to the Central Administrative Tribunal. Thereafter the second party approached the Assistant Labour Commissioner (Central), Bhubaneswar for intervention and the Asst. Labour Commissioner (Central), Bhubaneswar wrongly accepted and admitted the same to conciliation. In the written statement of the Management of the Bank it is stated that there was neither any appointment to the post so far as the second party Shri Sahoo was concerned and there was no removal from any post. The name of Shri Sahoo was merely removed from the panel of the waiters for short time engagement. The employer—employee relationship between the Management of the Bank and the second party was only limited to the spells of his engagement as a substitute and not beyond that.

In an additional written statement the Management of the Bank referred to the Administrative instructions issued by the Bank from time to time regarding engagement of persons during leave vacancies of sub-staff and on the basis thereof it was contended that the maximum age limit for final engagement of Persons during leave vacancies of sub-staff shall be 30 years and such empanelled Persons can not be employed further against leave vacancies on attaining the age of 30 years. It was also contended on the basis thereof that the second party Shri Sahoo's date of birth is 2-8-1952 and therefore, he was entitled for further engagement against leave vacancies only till 1-8-1982 and not beyond.

4. On the pleadings of the parties, the following issues were framed :—

- (1) If the second party was a 'workman' under the First Party-Management within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 ?
- (2) If the dispute that has been referred for adjudication is not an industrial dispute between the First Party-Management and the second Party
- (3) If there has not been any termination of employment of the second party by the First Party—Management as alleged

- (4) If the termination of employment of the second party Shri Biswanath Sahoo by the First Party—Management was an act of retrenchment or an act of discharge simpliciter?
- (5) If such termination of employment of the second party—workman is legal and/or justified?
- (6) To what relief, if any, the second party—workman is entitled?

5. ISSUE NO. 1 :

It is the plea of the First Party—Management that the second party Shri Sahoo has simply been empanelled to be engaged as a substitute Peon against leave vacancies as and when required and that too in rotation with such other empanelled persons and therefore he was not a 'workman' within the meaning of the Industrial Disputes Act. Section 2(s) of the Industrial Disputes Act defines 'workman' as "any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment by express, implied and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led that dispute,.....". To appreciate the question as to whether the second party Shri Sahoo was a 'workman' under the Management of the First Party—Management, before going through the oral evidence, we may look into the appointment letter Ext. 1 dated 9th May, 1980. This letter was issued by the Manager of the Bank, Puri branch to the second party—workman. The subject of the letter has been mentioned as "Appointment of Temporary Sub-staff in our office." It is stated in this letter that the Bank intended to appoint a few sub-staff purely on temporary basis to work in place a permanent sub-staff who goes on leave or on duty to other places. It is further mentioned in the said letter that the name of the second party had been sponsored by the local employment exchange for interview which was schedule to be held at the Office of the Bank on 14-5-1980. The second party was requested in that letter to appear at the interview alongwith his certificate in original. Ext. 2 is the termination letter dated 23-4-1982 which was issued to the second party workman by the Manager of the Bank in which it was stated that under instructions from the Zonal Office, Calcutta his name have been removed from the panel of temporary sub-staff maintained in the Bank. He was also informed that his services will not be required in future. A notice was sent by the second party to the First Party through an Advocate purported to be under section 80, Civil Procedure Code to which a reply was sent by the First Party through its Advocate, which has been admitted in this proceeding and marked as Ext. 3. In this reply it has been categorically stated that the second party had been engaged at the relevant point of time purely on temporary basis and therefore, his case for being considered for permanent employment would not arise. It was also mentioned that the second party had no legal right for being absorbed in the permanent cadre being a temporary employee and being engaged on daily wage basis at the relevant time. In the reply it was also mentioned that the Bank was thoroughly dissatisfied with the conduct and behaviour of the second party even during his temporary spells of engagement at the relevant point of time and the second party did not mend his conduct and attitude inspite of repeated reminder given to him. Since his conduct was absolutely unsatisfactory and he was found disobedient and insubordinate, inspite of his seniority in the panel of temporary staff Shri Sahoo could not be taken to the permanent staff. In the reply it was clearly stated that on account of such conduct Shri Sahoo was rightly disempanelled by the Bank. In the reply sent by the Manager of the branch Bank to the Asst. Labour Commissioner (Central), Bhubaneswar, on 19th October, 1987 (Ext. 4), it was stated that Shri Sahoo was being engaged by the Bank against temporary leave vacancies of permanent sub-staff as per the Bank's norms and it was further stated that there was never any regular relationship of employer and employee between the Bank and the second party Shri Sahoo. Ext. 5 is a letter dated 25th January, 1982 sent by the Branch Manager of the

First Party Bank to the Zonal Manager of the Bank at Calcutta. In this letter it was mentioned that the second party Shri Sahoo was one of the members of the captioned Panel maintained by the Puri Office and he was appointed temporarily from time to time. His performance of duty and behaviour were found to be far from satisfactory and as such, it had been decided not to employ him any further. In this letter confirmation was sought for from the Zonal Manager and by Ext. 6 the Zonal Manager directed that the second party need not be engaged in future leave vacancies and his name be removed from the panel of temporary sub-staff after duly informing him. In the written statement—Ext. 7 filed by the Management of the Bank in the suit filed by the second party Shri Sahoo in the Court of the Subordinate Judge, Puri seeking a declaration that the action of the Management of the Bank was bad and claiming back wages and compensation, the Management took the plea that the relationship between the Plaintiff (the second party Shri Sahoo) and the defendant (the First Party Management, namely, the Indian Bank) was purely one of master and servant and as such, the suit was not competent. It was also stated in the said written statement that Shri Sahoo was engaged at the relevant point of time purely on temporary basis terminable at any time without notice. Ext. 8 is a copy of the panel containing the name of Shri Sahoo and four others and Shri Sahoo's position was No. 1 in the said Panel.

6. M. W. 1, who was the Branch Manager of the Puri Branch of the Indian Bank from December, 1979 to January, 1982 stated that the local employment Exchange, Puri had been requested by him to furnish a list of twenty five candidates to be selected to work as sub-staff on temporary basis against leave vacancies. The Employment Exchange sent a list out of which five candidates were selected to be empanelled for such temporary appointment against leave vacancies. Sri Sahoo was one of them. Such empanelled persons were engaged whenever leave vacancy arose. One person out of the list was appointed against such vacancy and after the permanent incumbent returns on expiry of his leave, he is disengaged. He stated that the second party was disengaged because his behaviour was not found to be satisfactory and on 23-4-82 he was disengaged and disempanelled from the list. He also stated that out of the select list Ext. B in which the second party Sri Sahoo had been placed at No. 1 position, Sri Purna Chandra Patra and Laxmidhar Bhoi, who were juniors to him have been appointed against regular posts. The second party Sri Sahoo examined as W.W.1 stated that he was engaged daily in the bank.

7. From the evidence on records it appears that the Management of the Bank obtained the names of the candidates from the local Employment Exchange, held an interview and selected five out of the candidates sponsored, who were empanelled for being appointed against leave vacancies as and when required. The second party-workman stood first in the interview and in the list of empanelment occupied the No. 1 position. This being his status, whether it could be said that he was a workman within the meaning of the Industrial Disputes Act? On going through the definition of the expression 'workman' as given in Section 2(s) of the Industrial Disputes Act, I will have no hesitation to hold that he is a 'workman' coming within the definition. By being selected in the interview to be empanelled he got a right to be employed against leave vacancies and infact, he worked in the Bank against leave vacancies as a sub-staff Peon. The principle of interpretation of the definition of 'workman' and 'industrial dispute' have been elaborately stated in the case of S. K. Verma, Appellant V. Mahesh Chandra and another, Respondents, reported in A.I.R. 1984 S. C. 1462. It has been stated in the aforesaid decision that interpretation of the aforesaid definitions found in the Industrial Disputes Act should be made so as not to whittle down but to advance the object of the Act which is to bring about peace and harmony between labour and management. Narrow and restricted meaning must not be given to the aforesaid definitions so as to exclude the labour and management from the operation of the Act.

In the facts and circumstances of the case, I would hold that the second party is a 'workman' within the meaning of the I.D. Act.

8. ISSUE No. 2.—The dispute referred for adjudication relates to termination of services of the second party. In other words, it relates to the employment or non employment of the second party under the Management of the Bank. His name was removed from the panel and he was refused future employment by the order served on him. In the circumstance, there can be no escape from the conclusion that it is an 'industrial dispute'.

9. ISSUE Nos. 3, 4 & 5.—The second party Sri Sahoo was called for appearing at the interview for appointment as temporary sub-staff in the Bank at Puri as would appear from Ext. 1. He was intimated by Ext. 2 that under instruction from the Zonal Office, Calcutta his name had been removed from the panel of the temporary sub-staff maintained by the Bank and further that his services would not be required in future. In the reply sent by the Bank's Advocate to the Advocate of the second party (Ext. 3), it has been clearly stated that the Bank authorities were thoroughly dissatisfied with the conduct and behaviour of his client and that his services were detrimental and prejudicial to the interest of the Bank. It was mentioned in Ext. 3 that the second party was found disobedient, insubordinate and uncivil and that in spite of several warnings he did not mend his ways. In the letter of the Manager of the Branch Bank at Puri to the Zonal Manager, Indian Bank Calcutta-Ext. 5, it was stated that the performance and behaviour of the second party were far from satisfactory and as such, he had decided not to employ him any further for the smooth running of the Branch Bank at Puri. On the basis of this letter Ext. 5, the Zonal Office, Calcutta informed the Manager of the Branch Bank at Puri that he need not engage the second party in the future leave vacancies and may remove his name from the Panel of temporary sub-staff after giving due information to him. In the said letter advice was given to the Branch Manager, Puri branch that he may also call for fresh list of candidate from the local Employment Exchange, if necessary.

Though by Ext. 2 the second party was informed that his name had been removed from the panel of temporary sub-staff and that his services would not be required in future and there was no mention of any misconduct on his part, the evidence adduced in this case, however, reveal that it was a case of removal of name of the second party from the panel on grounds of misconduct. The real intention of the Management of the Bank was to get rid of the

second party whose conduct, according to the Management was highly unsatisfactory.

10. The action of the management of the Bank, thus amounts to termination of employment, in as much as, he was not only removed from the panel but was also denied the right to future appointment as sub-staff Peon in the bank which right he had earned by being selected and empanelled after the interview.

11. Question is whether such removal from Panel or termination was justified. In this connection, I refer to the decision in the case of Ajit Kumar Sardar and others Vs. Union of India and others reported in 1984 Lab. I.C. WOC 154 Calcutta wherein it was held that deletion of names of candidates from provisional selected list without giving opportunity to them of knowing the basis for such deletion is violative of Articles 14 and 16 of the Constitution of India.

In this particular case, there is no evidence to show that the second party was ever informed about any misconduct allegedly committed by him. He was also not informed in writing about the dissatisfaction of the Bank authorities so far as his behaviour, attitude and conduct are concerned. No explanation was called for from him so as to enable him to explain the position. In the circumstance, the order as to deletion of his name from the panel and refusing him future employment must be held to be bad being violative of Articles 14 and 16 of the Constitution of India. Accordingly, I would hold that the order for deleting the name of the second party from the panel for appointment as sub-staff Peon against leave vacancies and refusal to him for future appointment against such leave vacancies is unjustified.

12. ISSUE No. 6.—Now coming to the question of relief, in the circumstances of the case, I think, the only direction that can be given is to restore the second party to the position he was occupying on 23-4-82. Since we do not know as to on which days he would have got employment against leave vacancies during the period from 23-4-82 till the date of the Award had he continued in the panel, no order can be passed relating to any back wages.

The reference is answered accordingly.

S. K. MISRA, Presiding Officer

[No. L-12012/807/87-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

